

Democracy Promotion or Self Promotion?
Canadian Bilateral Electoral Observation Missions to Ukraine, 2004-2014

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Abstract

The purpose of this thesis is to determine and assess the rationale, objectives, and nature behind Canada's bilateral electoral observation missions (EOM) to the country of Ukraine. Using international EOM standards and norms to act as a baseline, the thesis identifies differences that exist between the Canadian bilateral electoral missions to Ukraine and multilateral electoral missions operating in the country, specifically, those of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR). Furthermore, this thesis explores criticisms and concerns surrounding the missions and determines if such concerns apply to the missions' rationale, objectives(s), and/or nature. Final mission reports, government documents, academic journals, news articles, as well as expert interviews with short-term observers, mission management, and mission directors will offer a comprehensive overview of Canada's bilateral EOMs.

This thesis advances the study of EOMs, specifically those between Canada and Ukraine. The subject of Canadian EOMs to Ukraine is of importance because there is very little academic study that pertains to their rationale, objectives, and nature. The amount of resources and human capital dedicated to these missions makes them an integral aspect of Canada's development assistance to Ukraine, and situates them within Canada's engagement with democratization efforts abroad. Furthermore, Canada is the only country to operate bilateral missions in Ukraine. This level of commitment brings attention to Canada's unique relationship with Ukraine, sometimes dubbed a "special relationship," and points to Canada's stated commitment to democratization in areas of the world that are in transition. In exploring the implementation of the missions from 2004-2014, we are able to gain a greater understanding of the Canada-Ukraine relationship as well as insight into this important democratization effort.

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Chapter 1

Introduction

The record of democratization in Ukraine has been uneven since its independence in 1991. In the face of Ukraine's ongoing political turmoil, the international community has attempted to assist the democratization process there by supporting democratic elections through electoral observation missions (EOMs). EOMs have increasingly become commonplace in an effort to promote democracy across the globe by assessing the quality of elections, including Ukraine. EOMs are conducted by a variety of intergovernmental organizations such as the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU) and the Organization of American States (OAS). Non-governmental organizations (NGOs) including the Carter Center and the National Democratic Institute (NDI) as well as national governments are also involved in EOMs. National governments generally operate through domestic agencies to conduct bilateral EOMs of their own. Such is the case with Canada.

Canada has sent over 1,000 electoral observers to Ukraine through its long-term EOM contracted agency CANADEM and, more recently, CANEOM. This by far surpasses the number of electoral observers, short- or long-term, sent to any other country by the government of Canada. Although the vast majority of non-Ukraine observation missions involving Canadians are multilateral (generally organized by the EU, the OAS, or the OSCE), Canadian EOM missions to Ukraine are unique in that they are bilateral in nature. Canada has supported six such bilateral EOMs to Ukraine.

A strong and enduring relationship exists between Canada and Ukraine because of a number of notable events. For example, Canada was the first Western country to recognize Ukraine's independence in 1991 and the two countries issued a joint Declaration on Special

Partnership in 1994. In 2004, the relationship was further reinforced when Canada launched its first bilateral EOM to Ukraine. This initiative, undertaken by Prime Minister Paul Martin's Liberal government, marked a general uptake in Canada's democratization effort in Ukraine and an accelerated response to the *Orange Revolution*. The year 2004, therefore, constitutes an important watershed moment in Canada-Ukraine relations and the point at which this study begins.

The practice of electoral monitoring, although increasingly routine, is still relatively new. Electoral monitoring was propelled to the fore during the "Third Wave" of democratic transition – a phenomenon that began in the mid-1970s and peaked in the 1990s with the collapse of the Soviet Union (Pereira, 2006: 11). As a result, standards, guidelines, and operational aspects of EOMs, as well as democracy-development principles, in general, have been insufficiently developed or agreed upon, so each organization conducts missions according to differing mandates, principles, and interpretations.

Generally, the quality of elections is thought of in terms of 'free and fair.' But, according to Pereira, "because there is no over-arching international standard as to what constitutes a free and fair election, organizations are able to use their own understanding of free and fair to assess an election (Pereira, 2006: 6)." These discrepancies highlight some of the problems associated with any discussion of EOMs. The recent and expanding nature of this field means that it is in constant need of reaffirming frameworks, definitions, and standards. Some governing bodies, including the United Nations, have set out *some* guidelines, such as the *Declaration of Principles for International Election Observation* (Misk, 2010: 767-68). And yet the imperfect nature of international regulation means such guidelines are neither comprehensive nor as widely accepted as they need to be.

The lack of a universally agreed-upon, legally-binding framework points to serious shortcomings in the process. Because the process is open to interpretation, these observation missions may very well allow for political factors to affect the missions. It is therefore important to examine whether politicization may influence the rationale and objectives associated with Canada's EOMs to Ukraine and what bearing these may have on the overall nature of the missions. Politicization refers to political considerations and/or decisions that have been taken outside the scope of the ideal EOM. The political aspect of Canada's bilateral missions, in this regard, raises a number of issues: the nature of the participation of the Ukrainian-Canadian community, the bilateral character of the mission, and the influence of Stephen Harper's so-called 'principled foreign policy.' These and other issues are explored in our discussion of the rationale, objectives, and nature of Canada's EOMs to Ukraine.

The process of democratization in Ukraine is ongoing, but fragile. Ensuring that elections are of a high standard is an integral and indispensable marker of the democratic process (Clark, 2000: 27). Therefore, Canada's EOMs to Ukraine, bilateral or multilateral, are of political importance, offering insight into how Canada has assisted in Ukraine's democratization. Using Ukraine as a case study, this thesis will seek to expand our understanding of the role and impact of EOMs on democratization while providing insight into Canada's foreign policy with special reference to Ukraine.

1.2 Purpose and Importance of the Thesis

The purpose of this thesis is to determine and assess the rationale, objectives, and nature of Canada's bilateral EOMs to Ukraine. Using international EOM guidelines as a baseline, the

thesis identifies differences that exist between the Canadian bilateral electoral missions to Ukraine and multilateral electoral missions implemented by international and intergovernmental organizations. A comparative approach will help to identify differences and similarities between the missions in a clear manner. This thesis will also explore criticisms and concerns surrounding the missions and determine if such concerns apply to the missions' rationale, objectives, and/or nature. This will help reveal the value and the problems associated with the missions.

This work advances the study of EOMs, specifically those between Canada and Ukraine as well as bilateral missions in general. The resources dedicated to these missions makes EOMs an integral aspect of Canada's development assistance to Ukraine. This level of commitment brings attention to Canada's unique relationship with Ukraine and points to Canada's stated commitment to democratization in areas of the world that are in transition. There is very little academic work with regards to bilateral electoral observation missions. Some scholars do not include bilateral missions as these are considered to be in the interest of the sending country entirely and thus not a legitimate endeavour (S. D. Hyde, *personal communication* [e-mail], August 10, 2015). This thesis, therefore, will look at this relatively unexplored field. We are also able to gain a better insight into Canada's foreign policy orientation and goals. In particular, as the majority of the bilateral missions have occurred under the recent Conservative government, the Canadian missions will allow us to draw out some important observations and conclusions on what has been dubbed Mr. Harper's 'principled foreign policy.'

1.3 Conceptual/Analytical Framework

The thesis' conceptual framework is constructed around three discrete areas of inquiry – rationale, objectives, and nature of the missions. These areas are central to understanding Canada's EOMs to Ukraine while revealing something about the multifaceted nature of foreign policy-making. Each area is presented in terms of binaries that will help elucidate and explain Canada's foreign-policy engagement with Ukraine. These include whether the initiative is self-serving or altruistic, partisan or non-partisan, policy-based/practical, and in the national or political interest. The significance and definitions of the specific binaries will be discussed in Chapter 3. These dichotomies serve two purposes. First, they allow for a comparative discussion. Second, by structuring arguments in terms of dichotomies, a logical framework is created by which to conduct interviews. Interview subjects are asked general questions but are probed further by assessing their responses to contrary viewpoints.

Rationale

Exploring the rationale for Canada's Ukraine EOMs, this thesis will attempt to uncover the underlying theoretical foundation upon which all EOMs are built. The literature on democratization and electoral observer missions will be consulted in order to better understand the basis for EOMs. Arguments against the use of EOMs will also be explored. Many of the arguments relate to the problems associated with EOMs, including disagreement on what constitutes a 'free and fair' election between EOM organizations; discrepancies in international norms and standards; and the lack of an over-arching legal framework. The rationale behind Canada's EOMs is therefore affected by the inherent openness to interpretation that all EOMs

face. So while the underlying rationale behind Canada's missions may be altruistic and free from any partisan or political considerations, the risk of politicization is ever present. Academic studies, final mission reports, and qualitative interviews with various EOM experts will be consulted to determine Canada's rationale.

Objectives

Establishing Canada's *raison d'être*, or the driving force behind its role, helps explain mission objectives. In 2014, Prime Minister Stephen Harper stated that the role of EOMs to Ukraine was to ensure that Ukrainian elections were "free and fair, and that democracy and good governance [become] the cornerstone of the new government (Harper, 2014)." In other words, the objective behind Canada's EOMs is to spur the process of democratization, not simply to facilitate free and fair elections every two years. This suggests that Canada's motives in sponsoring EOMs to Ukraine may not be solely altruistic, and it may have motives beyond simply observing and assessing an individual election. It suggests political interference, which the lack of international norms and standards makes possible. Questions, naturally, arise: Why is Canada inclined to send EOMs to Ukraine? Why is Ukraine targeted for bilateral missions more than any other country in the world? Are Canada's efforts solely altruistic or is there a self-serving motivation? This thesis will seek to determine the extent to which the objectives of Canada's EOMs to Ukraine since 2004 are driven by political factors.

Nature

In some measure, the nature of Canada's missions is a product of its parts, which raises a series of questions: Who is participating? Why are they participating? And what are the implications of their participation? Canada's EOMs are comprised primarily of Ukrainian-Canadians. Does relying on this community invite politicization? The nature of Canada's EOMs to Ukraine, however, also has to do with the missions' strategies and objectives and whether these agree with international norms and standards. As a strategic choice, does the bilateral nature of EOMs pose a problem for the missions? Does it necessarily problematize Canada's ability to meet international standards? Specifically does the bilateral nature of Canada's electoral observation missions to Ukraine with its emphasis on community involvement invite politicization, preventing Canada from meeting international standards and expectations? Using a comparative rubric, similarities and discrepancies between Canada's bilateral missions and those of a multilateral nature, specifically OSCE-ODIHR, will be explored with a view to gaining a better appreciation of whether the Canadian initiative can overcome some of the difficulties that are associated with their very nature.

1.4 Sources, Methodology, and Limitations

The thesis will use three sources of information: published reports, academic and other studies, as well as interviews. Electoral observer mission reports consulted identify the mandate and scope of the missions, aiding in establishing the role and rationale for Canada's EOMs. These reports also clarify the standards that inform Canada's bilateral missions and describe the

missions' outcomes. These are compared with international norms, standards, and outcomes to assess Canada's bilateral EOMs.

In addition, academic studies will be consulted to introduce not only theoretical perspectives on EOMs but also narratives relating to Canadian foreign policy and Canada-Ukraine relations. Political scientists Lucilia Pereira, Elizabeth Spiro Clark, Susan D. Hyde, Judith Kelley, Eric C. Bjornlund, Jonathan Misk, Nikolay Marinow, Ann Van Aaken, and Robert A. Dahl provide information on the theoretical and conceptual underpinnings of EOMs. Bohdan Kordan and other academics offer insight into Canadian-Ukrainian relations as well as developments in post-independence Ukraine, essential for providing a context. These are supplemented with news reports and opinion pieces.

Finally, this thesis includes qualitative interviews with persons (short and long-term election observers) who possess first-hand knowledge of Canada's bilateral EOMs to Ukraine and those who served in the management of an EOM, or acted as Head of Mission. After reaching out to ten individuals, six agreed to be interviewed, while others did not feel they were at liberty to discuss the missions or simply refused. The interviews were conducted after the thesis proposal stage and took place from July 2015 to March 2016. They serve to provide a better understanding of the role of individual observers and verify researched information. Although questions vary depending on the person interviewed, a semi-structured approach informed by the binary framework discussed above result in a variegated and enriched discussion of Canada's EOMs to Ukraine.

The limitations of this study derive principally from the lack of previous academic work on bilateral electoral observation missions. This lacuna underscores the difficulty of contextualizing EOMs. Something as basic as EOM standards and the norms specific to bilateral missions are

unknown. Meanwhile the general negative view of bilateral missions goes unchallenged because of the scarcity of work and investigation of the subject. This study looks to correct these shortcomings by adding to our understanding of the nature, objectives and rationale of bilateral missions.

1.5 Outline

Chapter 1 serves as an Introduction. Chapter 2 explores the literature on electoral observation, democratization, and democracy promotion. Using international and multilateral agreements, treaties, handbooks, and declarations from leading organizations in the field – OSCE, EU, OAS, and the Carter Center – a normative framework for EOM standards is considered. The merits of this framework will be briefly discussed in a political context, identifying possible challenges that may affect the successful conduct of EOMs.

Chapter 3 focuses on the possible impact of political factors on the rationale, objectives, and nature of Canada's EOMs to Ukraine since 2004. These areas of inquiry are explored in depth using a variety of sources including internal government reports and reviews, news reports, academic studies, and responses from interviewees. An analytical framework consisting of binary relationships – self-serving/altruistic, policy rationale/political rationale, partisan/non-partisan, and national interest/political interest – helps shape and organize complex issues such as the role of the Ukrainian-Canadian community within Canada's EOMs to Ukraine, the threat of real or perceived bias, and Canada's so-called "special relationship" with Ukraine. These reveal any disagreements that exist between the ideals contained within the normative framework

and the reality of Canada's missions to Ukraine, indicating if political factors are at work within the missions.

Using international norms, standards, and best practices identified earlier, Chapter 4 examines these with the activity and results of Canadian bilateral EOMs in mind. Findings from Canada Corps, CANADEM, CANEOM mission reports are used and profiled against the findings associated with the OSCE-ODIHR and other multilateral initiatives. Supplementary information from interviews and academic studies are consulted. This chapter then assesses the rationale, objectives, and nature of Canada's missions, attempting to extrapolate the key differences that exist between the nature of Canada's bilateral missions, international multilateral missions, and the reasons behind those differences. When examining these differences, the politicizing factors uncovered using the binary approach in Chapter 3 are considered. Of particular interest are the structural impediments associated with the nature of the missions that highlight how they add to the politicization of the missions. But a more meaningful assessment depends on how Canada's bilateral missions operate in the field and whether steps were being taken to ensure standards were being met in observing Ukraine's elections?

Finally, Chapter 5 summarizes the findings relating to the rationale, objectives, and nature of Canada's EOMs to Ukraine since 2004 within the context of a theoretical and normative framework. The summary accounts for political factors and their possible influence on Canada's foreign policy outcomes and goals. The chapter concludes with a number of observations about the future of Canadian electoral observation missions and further avenues of inquiry and research.

Chapter 2

Electoral Observation Missions: Rationale and Standards

2.1 Introduction

This chapter attempts to uncover the range of perspectives on EOMs and their significance by exploring theories of democracy, democratization, and democracy promotion, surveying current research pertinent to understanding EOMs, and outlining schools of thought regarding EOM norms and standards. An appreciation of these underlying theories as well as a closer examination of the international norms and standards are necessary for accurately assessing the rationale, objectives, and nature of Canada's missions to Ukraine. A brief history of Canada's EOMs to Ukraine will also be discussed to provide a context.

2.2 Theories of Democracy and Democratization

Prime Minister Stephen Harper and Senator Raynell Andreychuk, Head of Mission for Canada's bilateral missions for the presidential and parliamentary elections held between 2010 and 2014, stated that the purpose of the missions was to promote democracy and spur the process of democratization in Ukraine. But what does this mean precisely? Although democracy can be simply defined as "rule by the people" (Coglianese, 1990: 1662), it has been the subject of much deliberation and conceptualization. Arguably, democracy is multifaceted. Moreover, simply holding an election every few years does not equate to a fully functioning democracy. Pereira (2006), drawing on World Bank and United Nations (UN) studies, outlines four main components of good governance: constitutionalism, sound management and administrative

practices, the formation and implementation of policies that mirror the public good, and a governing structure that reflects the popular will (15-16). Electoral democracy does not always go hand in hand with good governance or constitutional liberalism. Nonetheless, it remains a pillar of the democratization process.

There is an important distinction to be made between the terms ‘democracy promotion’ and ‘democratization.’ Democracy promotion is the delivery of democracy-centered development assistance, which targets either civil society or the government. Democratization, on the other hand, is the process of becoming more democratic. Democracy promotion targets civil society in the belief that, with education and support, people will choose democracy. It also targets government by encouraging commitment to democratic reform as a catalyst for greater democracy. EOMs are an example of the latter (Pereira: 16). Democracy promotion, however, does not always lead to democratization.

Pereira argues that democracy development, including EOMs, may not result in any significant movement towards democracy. Indeed, semi-authoritarian or pseudo-democracies are often a by-product of these efforts. Pereira states that democracy development and electoral monitoring can “encourage notions of democracy while contributing only cosmetically to a sense of democratization (17).” Public commentator and author Fareed Zakaria is even more critical in his assessment, making the distinction between the concept of democracy and constitutional liberalism. He contrasts the former Yugoslavia, Peru, the Palestinian Authority, Sierra Leone, Pakistan, and Philippines – electoral democracies without liberal values and beliefs – with states like Hong Kong – constitutionally liberalized societies without electoral democracy (Zakaria, 1997: 22, 29). He believes that constitutional liberalism, underpinned by checks on government power, rule of law, impartial courts, and the separation of church and state, best provides people

with the outcomes normally associated with democracy (Zakaria: 26). Zakaria concedes that although elections are important, these represent only one virtue of governance and on their own are insufficient in promoting constitutional liberalism. While elections are easily imposed on a country, it takes more to spur on real democratization (40).

Zakaria rightfully criticizes the procedural nature of democratic elections and raises valid concerns over illiberal democracies. Nevertheless he underestimates the role that democratic elections can play in the process of democratization and therefore liberal outcomes. Elizabeth Spiro Clark, citing numerous examples, claims that elections have led to real democratization (32). The former president of Freedom House, Adrian Karatnycky, also argues that holding elections is the best indicator of subsequent progress in other areas of governance such as civil liberties and human rights (28) – concerns that Zakaria identifies as vital to constitutional liberalism. Clark further argues that without regular and genuine democratic elections, the essential democratic elements of accountability and voting equality are lost. Elections provide leverage over transitional regimes, making elections the “pressure that keeps the process of democratization moving (37).”

The *EuroMaidan*, Arab Spring, the Hong Kong Umbrella Revolution, and other modern civic movements cast doubt over Zakaria’s assertion that stability without democracy is desirable or, for that matter, sustainable. These revolutions demonstrate the centrality of individual rights, which are associated with electoral say. The third wave of democracy – a phrase coined by political scientist Samuel P. Huntington to describe the most recent surge in democratization – has not disappeared but rather appears and reappears, pointing to its resiliency. As these movements show, liberal democracy, as expressed through the ballot box, remains the only legitimate, viable form of government (Rakner et al., 2007: 7). And although political analysts

such as Zakaria have attempted to introduce new constructs – “illiberal democracies” – to explain the failure of democracy, elections are essential to the promotion of democracy and its liberal tenets. So where do EOMs fit into this picture?

The phenomenon of EOMs has grown out of the need to promote democracy and is bound up with this ‘third wave.’ As Eric C. Bjornlund (2004) states, “elections have played a major role in the democratic transitions of the past two decades, and fair elections have become an increasingly critical requirement for governments to have international legitimacy (7).” Hyde and Marinov (2014) further assert that elections have become nearly universal since the 1990s, although not all are considered to be “clean” elections (332). While democracy is more than clean elections, they are a central component of democratic governance and must take place for a country to be considered a genuine democracy.

EOMs have now become routine in international relations. Between 1989 and 2002, international observers operated in 86 percent of national elections in 95 countries. These include 62 countries that held their first multi-party, competitive elections since 1989 (Bjornlund, 2004: 43). With elections central to democracy promotion, countries struggling with democratization can benefit from electoral monitoring through international EOMs.

The idea that elections are essential to the democratization process and that EOMs may play a role is significant. It suggests that elections may offer insight into the rationale behind EOMs, including Canada’s bilateral EOMs to Ukraine. If these missions are fully or partially conducted so as to move the process of democratization forward in Ukraine, then we may obtain a good understanding as to why Canadian EOMs are undertaken. However, there may be other reasons why Canada has consistently sent hundreds of short- and long-term observers to Ukraine, both multilaterally and bilaterally. Indeed, how Canada adheres or departs from the international

norms and standards governing EOMs may help to explain the actual reasoning and objectives for these missions.

2.3 International Norms and Standards of Electoral Observation Missions

EOMs have increasingly become commonplace in the effort to promote democracy across the globe. But being a relatively new innovation, the definition, guidelines, norms, and standards governing EOMs have not been fully articulated or agreed upon. Consequently, various governmental and non-governmental organizations conduct their missions differently. This, as well as their proliferation, highlights the need for a constant review of frameworks, definitions, and standards.

Reputable multilateral organizations that operate EOMs generally agree on major points regarding their mandate. According to the Carter Center, the overarching goal of EOMs is to support the conduct of peaceful and credible elections that meet international standards (Carter Center, 2014). The National Democratic Institute (NDI) claims that international election assessments seek to:

demonstrate international support for advancing democratic progress in a country; Provide an impartial and accurate appraisal of the electoral environment and, where appropriate, recommendations for improving electoral processes; Promote public confidence in democratic electoral processes; [and] Help to foster a peaceful and open campaigning, voting, counting, results tabulation and respect for the outcomes of genuine democratic elections (National Democratic Institute, 2015).

The EU suggests that their EOMs seek to make positive contributions to the electoral process, but not interfere with how an election is conducted or validate an election's results; only the

people of the host country can determine the credibility and legitimacy of an election. Nevertheless, the EU maintains that EOMs may mitigate the potential for election related conflict (European Union, 2008: 5).

The mandates of international EOM organizations consistently stress a policy of non-interference and indicate that promoting electoral participation and mitigating electoral conflict are goals. While bilateral or multilateral EOMs share similar mandates, disagreement may result from differing interpretations on norms and standards, even between some of the most reputable EOM organizations. The director of the Carter Center's Democracy Program notes, for example, that the proliferation of EOMs brings with it varying methods and standards of professionalism, as well as possible conflicts of interest arising from politicization (Carroll: 772). Lucilia Pereira's *Free and Fair: The Politicization of Electoral Monitoring Reports* addresses this problem.

The Problem with 'Free and Fair'

Pereira's study of EOM norms and standards focuses on the 2005 Ethiopian election and the role of the European Union and the Carter Center. Both responded to the Ethiopian government's request for international observers. Each engaged in long-term and short-term observation, maintaining a strong presence there at the time of the election. After the polls closed and the EU and Carter Center released their findings, they arrived at very different conclusions about the election. The problem, Pereira concluded, is the vague and malleable nature of determining whether or not an election is 'free and fair':

The EU and the Carter Center both had different conceptions of free and fair electoral practices.

The Carter Center chose to evaluate the elections according to Ethiopia's past electoral standards.

The EU on the other hand evaluated the election according to international standards (80).

Critically, the lack of an over-arching international standard that defined a 'free and fair' election led each organization to use their own understanding to assess an election.

Although often associated with internationally legitimate elections, a number of international governmental organizations (IGOs) and international non-governmental organizations (INGOs) involved in election monitoring have recently begun to distance themselves from the term 'free and fair'— especially given its ambiguity. As Eric C. Bjornlund (2004) states, "there has been surprisingly little progress in the development of a practical set of criteria by which to judge whether an election has been free and fair (97)." The range is especially problematic. He explains, for example, that the European Commission has four fundamental criteria for judging an election, rather than simply 'free' and 'fair.' The Norwegian Helsinki Committee has five criteria. The OSCE's ODIHR cites seven; and the *Handbook for European Union Election Observers* eight (99). These multiple criteria suggest that the standard of 'free and fair' may not be enough to properly judge elections and has been reduced to a cliché.

Instead of 'free and fair,' many reputable organizations now use more nuanced language such as 'reflects the will of the people,' 'acceptable,' and 'meets international standards'.

Bjornlund (2004) believes, however, that with respect to standards, "It has so far proven extremely difficult to develop a practical standard or standards against which to measure transitional elections in the real world (121)." Because of this, he posits that, if EOMs are to encourage democratization, missions should focus on their methodologies, professionalism, and quality of analysis rather than the endorsement or questioning of legitimacy. While this criticism

may be valid, Judith Kelley points out that observing an election without at least touching upon its validity is unrealistic, given that the principal mandate of any observer mission is to evaluate elections. Instead, she argues, the best option is to remain aware of the inherent limitations of international EOMs and to continue to push for standards and best practices (2010: 168).

Attempts to Standardize

Multilateral and bilateral EOM organizations release multiple reports, handbooks, and other publications, which make any determination of the shared role, rationale, and/or objectives of EOMs difficult. Since 1990, several reputable IGOs and INGOs have independently developed election observation guidelines. These include the *Copenhagen Document of 1990*, the *Inter-American Democratic Charter of the Organization of American States* (2001), and in 2003 the *Principles for Election Management, Monitoring and Observation in the Southern African Development Community Region* (Misk: 773). Importantly, the push for standardization culminated in 2005 with the creation of the United Nations' *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* (DPIEO).

The declaration contains a rationale for EOMs and connects this to democracy, democratization, and democracy promotion theory. It opens with the assertion that “Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government (United Nations, 2005a: 1).” The declaration goes on to state, in part, that elections “are central for maintaining peace and stability, and they provide the mandate for democratic

governance (ibid: 2).” The preamble emphasizes this point, claiming that achieving democratic elections is part of establishing broader processes and institutions of democratic governance. In this regard, EOMs are an integral aspect of overall democratic development (1). The declaration, in effect, ties the rationale of EOMs to the larger body of literature on electoral democracy, democratization, and democracy promotion, linking electoral democracy and the process of democratization to EOMs as a principal tool of democracy development.

The *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* (DPIEO) was created and endorsed in 2005 by 42 reputable EOM organizations (ibid). Kofi Annan, the Secretary General of the UN at the time, hailed the document as a “pioneering initiative that should strengthen the role of the international community in supporting democratic elections around the world (in Misk: 777).” The document contains twenty-four numbered principles that address the underlying rationale of EOMs, the prerequisites required of host countries before EOMs are deployed, and general responsibilities intrinsic to EOMs.

The declaration is accompanied by a code of conduct which mandates that, in order to uphold the integrity of an EOM, all participants must respect state sovereignty and international human rights, respect the laws of the country and the authority of electoral bodies, uphold the integrity of the international EOM, maintain strict political impartiality at all times, avoid obstructing election processes, provide appropriate identification, maintain accuracy of observations and professionalism in drawing conclusions, refrain from making comments to the public or the media before the mission speaks, cooperate with other election observers, maintain proper personal behaviour, conduct an inquiry if the code is violated, and pledge to follow the code (United Nations, 2005b: 1-3). The DPIEO is open to endorsement by those organizations

that accept these principles. Since CANADEM and CANEOM have endorsed the DPIEO, this document serves as a baseline by which to compare Canada's bilateral EOMs to Ukraine.

While the DPIEO marks a significant move towards the standardization of EOMs, it has not erased the fundamental question pertaining to Canada's EOMs to Ukraine: Are they subject to politicization? Subscribing to the DPIEO is not a fail-safe against political influence or interference. Judith Kelley explains:

Transnational actors act both normatively and strategically. Election monitors do seek to uphold electoral norms; their assessments are informed greatly by the irregularities that they observe on the ground and particularly so by the more obvious types of fraud. Nevertheless, several other less quality-related factors also correlate significantly with whether monitors will endorse a given election (2009: 782).

Focusing not only on the quality of elections but also on the interests of their member states and donors, Kelley shows that international governmental organizations (IGOs) are more likely to endorse elections if the organization consists of fewer democratic member states (*ibid*: 769). For example, organizations such as the Shanghai Cooperation Organization, made up of such undemocratic states as China, Russia, Uzbekistan, and Tajikistan, are more likely to endorse an election than the OSCE or the EU. Hyde and Kelley label these organizations 'pseudo monitors,' claiming that the higher likelihood of endorsements exists because the observers "endorse any election so long as the candidate or party preferred by Moscow or Beijing wins (2011: 3)." A higher likelihood of endorsement also happens when member states or INGO sponsors have a vested interest in a nation receiving foreign aid. Endorsement is likely to occur when electoral processes have improved since the last election or if the election is deemed to be transitional (*ibid*). In many cases EOMs would endorse elections even when they did not meet international standards or, as in the case of Ethiopia's elections in 2005, when two reputable organizations

reached opposite conclusions. These correlations demonstrate that EOMs may go beyond their mandate of impartially assessing the quality of an election by factoring in bilateral or multilateral political considerations.

Ethiopia's election exemplifies one of the most fundamental challenges of international EOMs: the inclination of missions to apply, interpret, and ultimately judge elections differently based on their own standards. This raises a series of questions. Could variation in standards be the result of political factors? Is politicization a factor in Canada's bilateral EOMs to Ukraine? And if so, to what degree? In order to further explore these questions, a timeline and brief history of Canada's bilateral EOMs is required.

2.4 History of Canada's Bilateral Election Observation Missions to Ukraine

Canada's first bilateral EOM to Ukraine was deployed to assess a repeat of the 2004 second-round presidential election. The initial election, a contest mainly between two contenders, Viktor Yushchenko and Viktor Yanukovych, was inconclusive (as no candidate managed to garner over 50 percent of the vote in the first-round), leading to a second-round, run-off election. While Mr. Yanukovych was declared victor of the second-round, widespread voter fraud occurred. This gave rise to the *Orange Revolution*, a civic movement that called for an end to political corruption and a repeat of the second-round ballot. The OSCE-ODIHR also believed that the second-round did not meet international standards. Ukraine's Supreme Court agreed, and ordered a repeat second-round election scheduled for December 26.

To help monitor the repeat second-round election, on December 16, 2004, under the Liberal government of Paul Martin, Canada sent an unprecedented 500 short- and long-term

election observers to Ukraine – 463 of which were part of the bilateral mission, while the remainder joined the OSCE-ODIHR mission (CIDA, 2005). In addition to these EOMs, the Ukrainian Canadian Congress – a national representative organization – mounted its own independent mission, sending another 500 observers, mostly Canadians, to Ukraine. Former Liberal Prime Minister, John Turner, was named Canada’s Head of Mission. Although CANADEM handled the recruitment process, Canada Corps – a short-lived Canadian government program organized by the Canadian International Development Agency (CIDA) – managed the bilateral EOM on the ground. The Canada Corps endeavoured to “harness the energy and experience of Canadian experts, volunteers and young professionals to deliver international assistance in the areas of governance and institution building (“Liberal – press room,” 2004).”

The Canada Corps, an initiative identified with the Martin government, would be replaced when Mr. Harper formed government, leaving CANADEM as the lead agency to manage future bilateral EOMs. CANADEM would become responsible for recruitment, training, deployment, and running the missions on the ground for the 2010 Ukrainian presidential elections. As a non-profit agency, CANADEM is “dedicated to advancing international peace and security through the rostering, rapid mobilization, and mission management experts committed to international service (CANADEM, 2015).” Dubbed Canada’s ‘civilian reserve,’ the organization, through its International Election Observation Project, recruits and deploys Canadian short- and long-term observers occasionally for bilateral, but mostly to multilateral EOMs, which constitutes the vast majority of CANADEM’s participation in EOMs (CANADEM, 2015b).

Of the 82 missions that CANADEM has been involved in, only seven were bilateral. Of these missions, three were bilateral EOMs to Ukraine, not including a 2013 Parliamentary by-election mission. Overall, CANADEM has deployed over one thousand short-term and long-term observers in bilateral EOMs to Ukraine. The missions include the repeat second-round of the 2004 Presidential Elections, the second-round of the 2010 Presidential Elections, the 2012 parliamentary elections, and the 2013 parliamentary by-elections. The missions were funded by the government of Canada through CIDA and later the Department of Foreign Affairs, Trade and Development (DFATD). The end of CANADEM's partnership with the Government of Canada with respect to EOMs to Ukraine has been controversial.

In 2014, the government made an abrupt change in the management of missions. On 23 April, approximately one month before the 2014 Ukrainian early presidential election, CANADEM was informed that it would not receive the contract to manage Canada's bilateral EOM, although it continued to provide Canadian observers to the OSCE's multilateral mission (Plokhii, 2014). Instead, the bilateral EOM – dubbed the Canadian Election Observation Mission or CANEOM – was awarded to the NGO 'Forum of Federations,' supported by 'CUSO International' and the Ukrainian Canadian Congress (CANEOM, 2014a: Annex 1). The decision was controversial because the unexpected change in agencies, especially given the short timeframe before mission deployment, led some to allege that political interference was behind the decision. Specifically, that the Conservative government wanted the missions to be more amenable to various political level objectives. CANEOM would go on to recruit and deploy 150 long-term and short-term observers for the 2014 early presidential election (Andreychuk and Harris in CANEOM, 2014a: 2-3).

The 2014 early presidential election in Ukraine occurred in the context of a political crisis. After years of negotiation, President Victor Yanukovych reoriented Ukraine's foreign policy direction away from Western Europe towards Russia. The move led to mass demonstrations, which turned violent and eventually deadly, as security forces clashed with protestors in an effort to suppress the protests. Escalating violence and the dissipation of support forced the president to flee, thus necessitating an early presidential election. The election would take place in the midst of manoeuvring by the Russian Federation, which took advantage of the country's instability and uncertainty, annexing the Autonomous Republic of Crimea while supporting separatist rebels in the eastern *oblasts* of Luhansk and Donetsk. After the May 2014 early presidential elections, CANEOM was again selected to lead a bilateral mission for the early parliamentary elections in October of that year. During the October parliamentary elections, which included 93% of Ukraine's electoral districts but not those under rebel control, CANEOM would field 36 LTOs and 152 STOs. With that, Canada during 2004-2014 has mounted bilateral EOMs in six separate election rounds.

2.5 Framework and Baseline

To establish a framework of norms and standards and to determine whether Canada's EOMs to Ukraine adhere to them, a comparative approach will be used. This framework took inspiration from Bjornlund's *Beyond Free and Fair: Observing Elections and Building Democracy*, which used a series of tables to compare various EOM organizations in regards to how they determined the quality of an election. As Bjornlund, Kelley, Hyde, Misk, and Pereira have demonstrated, the norms and standards of EOMs should be located within international agreement. Therefore, the framework that will allow us to assess Canada's bilateral EOMs to

Ukraine will consist of its adherence to international EOM and democratic standards as well as its agreement with the OSCE-ODIHR missions. Before such a comparative framework can be discussed, however, issues of politicization must be addressed. As all EOMs are subject to the influence of political factors, even missions that strive to meet international standards may be at risk. The next chapter will adopt a binary approach in order to better understand the multifaceted aspects of Canada's missions and assess whether politicizing factors could be at work.

Chapter 3

The Multifaceted Nature of Canada's Bilateral Electoral Observation Missions to Ukraine

3.1 Introduction

The lack of an overarching legal framework, the self-policing nature of EOMs, and the ambiguity of international norms and standards leave Canada's bilateral missions to Ukraine open to possible politicization. This chapter will explore the rationale, objectives, and nature of EOMs through a framework of binary relationships: self-serving/altruistic, policy/practical rationale, partisan/non-partisan, and political/national interest. This will allow for the development and analysis of arguments and counter-arguments, which will help to illustrate the complex and at times contradictory nature of Canada's electoral missions.

Since their inception, Canada's bilateral EOMs to Ukraine have been dogged by accusations of politicization. These criticisms include, but are not limited to, the influence of the Ukrainian-Canadian lobby, the participation of a large contingent of Canadian citizens of Ukrainian background in the missions, the use of the missions for political or partisan gain, the Conservative government's so-called 'principled' foreign policy, and the disadvantages associated with the bilateral (versus multilateral) approach. This chapter will use government reports and reviews, newspaper accounts, academic accounts, and responses from interviewees to address these criticisms and determine their validity.

3.2 Self-serving/ Altruistic

According to EOM standards and norms, missions must maintain complete impartiality and strive to fulfill their principal objective of assessing the character of a country's electoral processes. As Judith Kelley states, "If monitors are guided by factors other than the quality of an election, they could inadvertently legitimize undemocratic regimes, enable governments to spin the results, or even stifle viable opposition movements (2010: 159)." This was evident in the 2005 Ethiopian election (Pereira: 80) and apparent in elections for Kenya (1992 and 1997), Cambodia (1998), Russia (1999), and Zimbabwe (2000) (Kelley: 2010). EOMs are meant to be altruistic endeavours, free from political interference. The preamble to the *Declaration of Principles for International Election Observation* (DPIEO) states that EOMs:

...must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine credibility and legitimacy of an election process (UN, 2005a).

Apart from the impartial assessment of individual elections, another way in which EOMs may be other-serving, or altruistic, is by driving the process of democratization. It is therefore necessary to ask: To what extent do Canada's bilateral EOMs to Ukraine meet these objectives and why is it important that they do? If Canada's missions are not solely altruistic, what then are the self-serving objectives and how might they affect the nature of the missions?

Altruistic

Objectively, the government of Canada's goal is simply to serve Ukraine's democratic interests. In the lead up the 2014 early presidential elections in Ukraine, for example, Prime Minister Stephen Harper stated, "Canada will continue to help ensure that Ukrainians are free to exercise their sovereign rights and to choose a leader, free from coercion or intimidation (Harper, 2014)." Canada's EOM mission reports echoed this altruistic sentiment. The *Final Report of the Independent Canadian Election Observer Mission for the 2010 Presidential Election of Ukraine* indicated that the mission's objectives were simply to observe and report on the quality of the election (CANADEM, 2010: 24). The *Mission Canada – Ukraine Election 2012 Final Report* reiterated this mandate, expanding on the non-interfering nature of the missions by explicitly adding that the mission would in no way interfere or intervene in the electoral process (CANADEM, 2012: 36). As discussed in Chapter 2, these stated mandates are in-line with those of Canada's multilateral EOM counterparts such as the OSCE-ODIHR, the OAS, the EU, and the Carter Centre.

These statements appear to indicate that Canada's bilateral EOMs to Ukraine are driven by selfless considerations and that they strive to maintain the international standards of impartiality and non-interference. However, the Canadian government seems to go beyond simply assessing whether or not Ukraine's elections meet international standards. There is a strong inference that the government of Canada is encouraging the country's democratization. While democratization lies outside of the purview of assessing the quality of an individual election, it can be said to be an 'other-serving' objective as well.

A significant part of the underlying rationale for EOMs is that they facilitate democratization. This was especially apparent during the 2004 presidential elections and

subsequent *Orange Revolution* when Ukraine's Supreme Court cited EOM reports as a reason to overturn the fraudulent election results, leading to a repeat of the second round of the election and the eventual victory of Viktor Yushchenko (Wikileaks, 2004). In addition, in 2014, the *Euromaidan* was lent legitimacy because multiple EOMs found the preceding 2012 parliamentary elections as having fallen short of international democratic standards. Finally, the transition in 2014 to a new president, Petro Poroshenko, was considered legitimate because the election met international standards. The Canadian government would marshal this evidence to convey the impression that the missions had a positive democratic impact on Ukraine. It also demonstrates that the government understood that EOMs are more than simply observing 'one-off' elections – they are about democratization over time.

The armed conflict between Ukraine, the Russian Federation, and separatists in the east of the country has emphasized the missions' democratization and stabilizing effect. The most recent mission reports stress the importance of the EOMs in the context of the conflict and violence in Ukraine's eastern provinces or *oblasts* of Donetsk and Luhansk. Specifically, in the introduction to the 2014 presidential election's final report, the Heads of Mission, Senator Raynell Andreychuk and former Premier of Ontario, Mike Harris, spoke of Canada and Ukraine's longstanding alliance and current role:

Canada has been one of Ukraine's most steadfast allies since its independence, and the Government of Canada has taken a leadership role in the international community in support of Ukraine's independence and territorial integrity in the face of aggression by the Russian Federation. In light of the threat to the territorial integrity of Ukraine, this mission took on even greater significance (Andreychuk and Harris, 2014: 3).

The report did not specify an exact reason for the increased importance of the mission in the context of the conflict. Nevertheless, it did allude to the difficulties with internal displacement, disfranchisement of citizens in the conflict zone, and general instability within the country (CANEOM, 2014a: 10, 5, 12). The mission, in this instance, helps to create a sense of normalcy and stability in what is otherwise an uncertain political environment and further entrenches the democratization role of Canada's EOMs in times of conflict or transition.

Canada's bilateral EOMs to Ukraine assume greater significance, it would appear, in times of transition or conflict. With Canada's first bilateral missions in 2004 and the *Orange Revolution* as well as the most recent missions and *Euromaidan*, EOMs can ensure that transitional elections meet international democratic standards, allowing for results to be better accepted by society at large. Or, conversely, if EOMs find that an election does not meet international democratic standards, opposition movements may be able to gain legitimacy, as was the case after the second round of 2004 presidential elections. Canada's bilateral EOMs from 2004 to 2014 have been overt altruistic endeavours that would hold out the promise associated with adhering to international norms and standards. But part of their underlying rationale was also to spur on the process of democratization and perhaps contribute to internationally accepted transitions of power, as was the case during the *Orange Revolution* and *Euromaidan*. Both reasons demonstrate the other-serving aspect of Canada's bilateral missions.

Self-Serving

Any discussion of Canada's bilateral EOMs to Ukraine must also explore the possibility that the missions are in some ways a self-serving endeavour. Self-serving in this instance refers to any manner in which the sponsoring government, connected organization, or group benefits from the bilateral initiative. Although a mission that benefits the Canadian government may also benefit the people of Ukraine, Canada's missions to Ukraine have been accused of being principally self-serving and of no or little assistance to the people of Ukraine (Joan Bryden, 2014). The principal reason for these allegations has to do with the bilateral nature of the missions.

Since Canada's first bilateral EOM to Ukraine in 2004, questions arose from their bilateral nature. Multiple internal government reports have highlighted some of the specific arguments against bilateral deployment; mainly that they are viewed as redundant and their legitimacy is questionable. Thus, one of the early reports stated that bilateral missions "should not be considered as a precedent but only as a 'last resort option' for future Canadian observer missions (ibid)." If bilateral missions are not recommended, why does Canada deploy them? Could this be because of self-serving reasons?

Susan Hyde of Yale University and a leading expert in the field of EOMs does not include bilateral missions as official EOMs in her empirical research on observation missions. Critically, she suggests that it is too difficult to separate the missions from government interest:

Bilateral missions have a different purpose than multilateral or NGO election observation missions in that they are often (rightly) perceived as engaging in elections observation primarily to provide feedback to their own country government rather than to promote democracy or provide an objective

public assessment of electoral quality (S. D. Hyde, *personal communication* [e-mail], August 10, 2015).

Bilateralism underscores the self-serving agenda of such missions, which can only be obviated when such initiatives are undertaken in co-operation with others. Therefore, multilateral EOMs are seen as having greater legitimacy. This legitimacy stems from the belief that the participation of multiple states and individual actors provide observers with a sense of anonymity and neutrality and convey the sense that the observers represent and act under the auspices of the multilateral organization as opposed to their country of origin (Plan: Net Limited, 2014: 56). In addition to greater perceived neutrality, multilateral missions come with other benefits.

The world's most reputable multilateral IGOs in the electoral observation field, which in the case of Ukraine is the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR), are also seen as the most professional. A 2008 report for CIDA concluded that multilateral missions have a "greater perceived neutrality, are more impartial, credible, professional, with experienced, well-trained observers and well-prepared and tested documentation and forms (Plan: Net Limited, 2014: 57)." It also found that any bilateral mission consisting of government officials and ministerial representatives can be classified as a government initiative and therefore cannot be deemed independent (ibid). From the perspective of any EOM, perceived impartiality is just as important as real impartiality, since the citizens of the host country must be able to trust the assessment of the EOM for it to be an effective democratization tool. As such, bilateral missions are inherently problematic and colour the perception of impartiality.

Criticisms of Canada's bilateral missions to Ukraine have continued. In 2014, the consulting firm 'Plan: Net Limited' submitted an evaluation of DFATD's Multilateral Elections

Observation Program (MEOP). The program was established in 2008 under CIDA “to increase access of eligible countries to credible, impartial, and professional international election observers (including Canadians), through multilateral partners and in so doing, to help these countries adhere to international election standards.” The program was intended to support multilateral organizations rather than promote a bilateral approach. The program was later changed to include the 2010 and 2012 bilateral EOMs to Ukraine. The report evaluators were informed that this decision was taken at the highest political level. The authors of the report indicated that no reason was given to MEOP personnel by CIDA for this change in mandate. While disappointed, partners were not surprised, as they were aware of the political nature of EOMs. The report concludes that:

Multilateral EOMs, not bilateral ones, were identified by all stakeholders as a better method of conducting election observation. Bilateral missions provide for donor visibility but are at odds with EOM best practices. Observer anonymity in terms of nationality is a core principle of neutrality. Multilateral missions, for their part, have much less visibility for donor countries but do closely adhere to EOM best practices (57).

Given the above, then why does Canada favour bilateral EOMs? There are numerous potential reasons. A bilateral mission provides more visibility to Canada and a greater recognition for Canada’s contributions as an active participant in democratic development. It enables Canadian citizen involvement and provides training opportunities for less experienced observers. These missions are also of direct interest to Canadian ethnic constituents, specifically Ukrainian-Canadians as well as the government of Canada, which wishes to create the impression with the diaspora that it is involved in their interests. Bilateral missions allow for Canada to come to its own conclusions on the legitimacy of the electoral results and benefit a country with whom Canada has a longstanding bilateral relationship and with which Canada is

pursuing a political or trade objective. Finally, bilateral missions can prove useful as an instrument of foreign policy (Plan: Net Limited: 58). These benefits provide a clear motivation for the government of Canada to carry out such missions, even if these missions are at odds with international EOM norms and standards.

These self-serving benefits may not negate the altruistic democratization efforts in Ukraine. But as bilateral missions are not in line with international best practices, real or perceived biases that follow from these reasons may negatively impact the effectiveness of the missions on the ground. We can see clearly the negative effect of the self-serving objectives on the missions themselves. The 2010, 2012, and 2013 bilateral missions to Ukraine largely promoted Canada's role. These missions were dubbed 'Mission Canada' and this label was prominently displayed on observer clothing. Furthermore, in Canadian and Ukrainian media, the activities of the bilateral mission were heavily featured as 'Canadian' projects. The MEOP report stated that, "while this certainly is an effective method of promoting Canadian involvement, it is not consistent in any way with EOM best practices (ibid)." The promotion of Canada's missions as well as the government of Canada's involvement is featured in all of its bilateral EOMs to Ukraine. This gives credence to the 2008 CIDA report findings that bilateral missions can be classified as a government of Canada initiative and not an arm's length initiative.

3.3 Policy/Practical Rationale

While the previous section determined that the nature of bilateral EOMs may be seen as self-serving and does not fall in line with EOM best standards and practices, this does not necessarily negate the fact that good policy decisions have been made in implementing Canada's

EOMs to Ukraine. Critically, by determining which aspects of the missions can be seen as following good public policy decisions, the practical and propitious rationale of these EOMs can be established. Canada's EOMs to Ukraine are party to multiple, internationally recognized agreements and efforts. These have pushed to modernize the observation process, further professionalizing these missions. But they also have utilized the language and cultural skills of the Ukrainian-Canadian community and to great effect. This suggests practical convenience, which may undercut good policy. To what extent then do these factors frame the policy/practical rationale for Canadian bilateral EOMs to Ukraine?

Policy Rationale

Canada's bilateral missions build on lessons learned from previous missions and have pushed to modernize observation techniques. This is evident through a cursory historical examination of the missions. The 2004 mission, Canada's first bilateral EOM, was hastily organized and not run independently of government. After Senator Andreychuk became Head of Mission for the 2010 mission, steps were taken to improve impartiality and to introduce a best practices approach. For example, the missions from 2010 to 2014 adopted multiple international EOM standardizing documents, introduced more nuanced and accurate assessments of the Ukrainian elections, deployed long-term observation missions, and made improvements to data collection on the ground. These changes reflect a policy consideration: to engage in a professional assessment of the election in question. The concept of impartiality forms a major policy objective.

Senator Andreychuk declined a leadership role in the 2004 mission precisely because she felt that the role of the mission was unclear. She sensed political interference that made bias possible (Andreychuk, *personal interview*, 2015 [transcript]: 2). Her suspicions were confirmed when, after the 2004 mission concluded, she became aware that some foreign policy figures believed that the mission was not carried out independently of government as its mandate called for (*ibid*: 2). The effect of this was that when Senator Andreychuk was chosen to lead the 2010 mission to observe Ukraine's presidential election, she claimed her main objective was to professionalize the missions and correct the mistakes made during the 2004 mission, stating, "...we are going to be observers. If you want to be participants, [this] is fair ... but if you want to be observing, here are the rules. So I was really like mother superior (*ibid*: 3)." In order to accomplish this goal, the senator ensured that the missions would follow OSCE and UN standards (*ibid*: 3). In effect, she sought to introduce guidelines that stemmed from good policy.

CANADEM and CANEOM subscribe to the United Nation's *Declaration of Principles for International Election Observation* (DPIEO) and the ensuing *Code of Conduct*, a seminal document on international standards for EOM missions. CANADEM's website also lists the EOM handbooks of the OSCE-ODIHR and the EU as essential reading material (2014b). Since the risk of politicization is ever-present in EOMs, both bilateral and multilateral, subscribing to these international standards makes Canada's missions appear less *ad hoc* and seen to be more a part of the larger international democratization effort. Orientation and training sessions that normally takes place in Ottawa and Kyiv cover issues that include not only discussions and information on impartiality, Ukraine's electoral system, and safety but also the UN's *Code of Conduct*. (CANADEM, 2012: 38). By following these internationally recognized EOM

standardizing documents, Canada's bilateral missions have kept in line with its multilateral and NGO counterparts such as the OSCE-ODIHR, the EU, and the Carter Centre.

The 2010 and 2012 bilateral missions to Ukraine saw some major changes that were in keeping with international norms and standards. An important change introduced in 2012 was the introduction of a long-term observers. Canada's bilateral missions deployed both short- and long-term observers to monitor the electoral process in its entirety. This allowed missions to assess important democratic indicators such as freedom of the press, election finance, and election administration which standalone short-term missions are unable to do (Annex 1). The introduction of long-term observers implies that mission management has a clear understanding of good policy and those practices that follow from such policy.

The missions have also avoided using 'free and fair' as the standard to assess elections because of the difficulties associated with the term. Although the words 'free and fair' do surface in all of the final mission reports, more nuanced and complex terminology is used to describe and assess elections. For example, the most recent report concluded that the 2014 Parliamentary Elections "broadly met international standards for democratic elections (6)," while the 2014 Presidential Election report concluded that "on the overwhelming majority of Ukrainian territory, [the early election] met international democratic standards (5)." The standards used to judge the elections were also expanded beyond the stereotypical 'free and fair.' For example, the 2012 report identified numerous international standards that must be met for elections to genuinely and fully reflect the will of the people (CANADEM: 11). CANADEM and CANEOM indicate that the missions strive to operate in line with their multilateral counterparts on the question of 'free and fair.' In moving away from the increasingly obsolete 'free and fair' standard, Canada's bilateral EOMs to Ukraine, largely follow the policies of internationally recognized institutions.

The missions have also seen improvement, albeit somewhat sporadically, in terms of experience. As CANADEM had prior experience in the field of EOMs, mostly in the areas of recruitment and training for multilateral missions, the organization maintained a roster of professional, experienced observers. This not only supplied Canada's bilateral missions with highly qualified observers, but allowed the missions to build on the knowledge acquired by having access to observers who had previously worked in Ukraine with bilateral or OSCE-ODIHR missions. The benefits on this score, however, have been mixed because of the change of EOM organizations from CANADEM to CANEOM. CANADEM maintained a roster of experienced observers, dating back to well before the first bilateral mission to Ukraine. CANEOM, however, was unable to access this pool of observers and had to start their own, possibly depriving their missions of a certain level of experience. That being said, many people who were involved in the CANADEM missions would also go on to serve under CANEOM; not all of the experience, practically speaking, was lost.

Canada's missions to Ukraine have improved dramatically since the hastily arranged, *ad hoc* 2004 mission. They have continued to professionalize and gain in experience. The missions are party to multiple international EOM agreements, introduced long-term observers into their missions, and moved to implement best practices on the ground. These improvements are the result of good policy decisions.

Practical Rationale

While Canada's EOMs to Ukraine have implemented many beneficial policy decisions, missions are complex endeavours full of logistical challenges. These have forced the hand of

government to look for practical solutions. Most notably, the government has come to rely on the Ukrainian Canadian community as a ready resource to ensure the success of its missions. This, however, raises serious concerns. There is, for instance, widespread criticism of bias, which involves the selection of Ukrainian-Canadian observers. They are chosen because of their language skills and cultural acuity. To what degree is this problematic? Furthermore, the decision to include a great many Ukrainian Canadians also points to government interference in the management of EOMs. What is the intent here? These questions will be explored in an attempt to determine the pervasiveness of the effect of practical considerations on Canada's bilateral missions.

Controversy surrounding the inclusion of Canadians of Ukrainian origin is centered upon allegations that they have been selected over more experienced and qualified applicants. It is a pointed criticism with serious implications. The privileging of Ukrainian Canadians places them outside of the normal vetting process, which emphasizes experience, judgement and integrity. Although these are not 'givens' in any situation, a selection process that looks to convenience as a consideration in the vetting process, compromises the intent and introduces into the process individuals who, some have alleged, are "less than neutral" (Bryden, 2014). This allegation hinges on the notion of bias. Bias is alleged when the government is said to favour Ukrainian Canadians over others and that Ukrainian Canadians are said to favour Western-leaning or democratic forces in a contested election. What implications then does the inclusion of such a large numbers of Ukrainian-Canadian observers have on the missions?

Ukrainian Canadians have made up approximately 60 percent of observers in Canada's five bilateral EOMs to Ukraine (Bryden, 2014). While this has led to accusations of bias – choosing observers based on ethnic background over experience – their bilingual skills are a

practical consideration in ensuring the success of the mission. Many Canadian observers who participated in the 2004-14 missions possessed Ukrainian and/or Russian language skills that positioned them uniquely in making determinations about protocol and fairness. Observers have commented that knowledge of the language is essential, or at least useful, toward understanding the complexities and conditions at Ukrainian polling stations (Interview #4, *personal interview* [phone], July 8, 2015: 15, transcript).

While short-term observers are paired with a translator, communication through a translator can often be difficult (Interview #3, June 24, 2015: 20). Those with facility in the Ukrainian and/or Russian language were paired with non-Ukrainian or Russian speakers so that as many teams as possible had someone who could translate (Interview #3: 21). The multilingual interviewees would, of course, follow the non-interference policy of the missions by using their knowledge to better assess the electoral process while avoiding the temptation to alter the situation (Interview #3: 22; and Interview #4: 14). Nevertheless, the high percentage of Ukrainian Canadians in missions has invited criticism that the attachment to the homeland – the factor that has led to the elevated levels of interest and participation in Ukraine in the first instance – jeopardizes the criterion of impartiality. Those who are inclined to participate may give of their time and effort for the all right reasons. But there is the distinct possibility they are doing so with a view to ensure that a better outcome for the country is the result. Partiality, in this instance, undermines good public policy.

Impartiality has been an issue during Canada's bilateral EOMs to Ukraine. It is a phenomenon that is sometimes attributed to conflict of interest due to the number of Canadians of Ukrainian heritage involved in the missions. CANADEM addresses this problem on its website:

Regardless of how impartial and professional an observer is, the perception of bias or conflict of interest is a huge challenge, particularly for observers who are returning to their country-of-origin. Therefore in many situations election observer missions cannot be staffed by observers who originate from the country in which the election is taking place. Regardless of how good they are, local voters will assume that they are not impartial. At a minimum, the standard practice is that the number of country-of-origin observers on an international mission must be relatively small (CANADEM, 2014b).

While it is unclear whether country of origin would include those of Ukrainian descent who were born in Canada or were naturalized, the inclusion of such a large group of Ukrainian Canadians has nonetheless become controversial and has openly become a point of contention about what steps must be taken for Canadian involvement to be above reproach. And yet the government, consistently, has turned to the community for its support; raising doubts about its commitments and intentions. It has chosen to manage the process, and this suggests interference.

The perception of bias has been noted in the 2014 ‘Plan: Net Limited’ report that argues, if Canada is to continue to deploy bilateral missions, there has to be a more concerted effort in the missions’ professionalization. “Bilateral missions tend not to wholly include professionally trained observers. Instead, participants are often drawn from a pool of individuals who have a connection (historical and cultural, for example) with the targeted country (2014: 57).” Based on personal contacts and cultural/linguistic commonalities, the report notes that the selection of observers increases the likelihood of bias, reflecting negatively on Canada’s role and reputation in the electoral monitoring field (60, 61). The role of Ukrainian-Canadian observers within the missions continues to be contentious. On one hand, their participation has obvious practical use – some observers claim that Ukrainian and/or Russian language and cultural skills allow them to

perform better in the field. On the other hand, the risk of bias or at least a perception of bias may diminish the legitimacy and credibility of the missions.

3. 4 Partisan/Non-partisan

To what extent are Canada's bilateral electoral observation missions to Ukraine influenced by partisan politics and, conversely, to what extent are they championed across the political spectrum? These are important questions because they provide insight into the legitimacy of the missions themselves. While missions have been conducted under both Liberal and Conservative governments (suggesting a high level of non-partisan support), political parties have inserted themselves at various levels in the administration and execution of the monitoring process. Indeed, partisan actors have been accused of showing bias during the 2004 mission and, more recently, the Conservative Party's 'principled foreign policy' stance has been closely identified with the missions. The non-partisan/partisan binary will help uncover how and to what extent parties have oriented themselves towards supporting Canada's EOM efforts in Ukraine.

Non-Partisan

The support of all federalist parties for the 2004 Canadian EOM mission to Ukraine was highlighted when the MPs took part as short-term observers as part of the OSCE's Parliamentary Assembly mission (STOs). Ukrainian-Canadian MP and EOM advocate, Borys Wrzesnewskyj, was accompanied by David Kilgour and Andrew Yelegdi of the Liberal Party, Peter Goldring and Joy Smith of the Conservative Party, and David Christopherson of the New Democratic Party (Guly, 2004: 3 and 21). The multiparty aspect of the mission pointed to wide party

consensus and support. And yet, although part of the OSCE-PA mission, because of the government's close connection to bilateral mission, the participation of government representatives raised concerns. Senator Raynell Andreychuk felt that certain MPs were too close to the *Orange Revolution*. While their intentions may have been to further the democratization process in Ukraine, they jeopardized the government's position of non-alignment (Andreychuk, 2015: 3 and 4). As a result when she became Head of Mission in 2010, one of her primary objectives was to ensure that this sort of political and partisan influence on the missions was eradicated.

The principal mission leadership role, the Head of Mission, is also largely non-partisan. And although MPs were deployed through the OSCE-PA, the Multilateral Electoral Observation Program (MEOP) report maintained that there was no contradiction in placing a well-recognized individual in the lead role of Head of Mission. Former Prime Minister John Turner was "handpicked" by then Prime Minister Paul Martin to lead the 2004 mission (Benns, 2014). Under the government of Stephen Harper, Conservative Senator Andreychuk was also selected as the Head of Mission, sharing duties with former Conservative Ontario premier Mike Harris, during the 2014 presidential election mission. The MEOP report points out that Canada's multilateral EOM partners have also traditionally placed eminent persons in a lead role because of their ability to "liaise more directly and persuasively with higher level officials within the host country (ibid)." While both the Liberal- and Conservative-led governments have put their own stamp on the missions by appointing leaders closely associated with their respective parties, their selection does not seem to run contrary to EOM best practices or to be unduly influenced by partisanship. While it has been established that bilateral EOMs cannot be entirely separated from the government, the appointment of leaders that strive to manage the EOMs in a non-partisan

fashion, such as Senator Andreychuk, lends a degree of credence to the missions being dubbed “independent.”

On the ground, there does not appear to be evidence of partisanship playing a role in the observation process. Since the start of professionalization of Canada’s bilateral EOMs in 2010, observers strictly follow the UN’s *Code of Conduct for International Election Observers*, which outlines the standard of maintaining strict political impartiality at all times. This will be discussed further in Chapter 4. While this guideline targets political competition within the host country, it is also quite clear that partisanship cannot be tolerated in any form within the mission (UN, 2005a: 2). This includes political representation on behalf of Canadian party interests. Bilateral missions have commanded the support of all the political parties across Canada’s political spectrum leading to consensus while suppressing the inclination towards party partisanship. Bilateral missions have also assisted in promoting the adoption of measures to enforce neutrality and non-partisanship on the ground.

Partisan

Allegations of partisanship and the role of the governing parties have beleaguered Canada’s bilateral EOMs to Ukraine since their inception (Wikileaks, 2004). The most obvious is direct participation by partisan actors. The 2004 mission saw politicians attempting to score political points over the missions, either by trying to be seen as a ‘champion’ of the missions or through their close involvement with the Ukrainian Canadian Congress mission, which coincided with the Canada Corps initiative. (Andreychuk, 2015: 2 and 3). Their involvement led to accusations and counter-accusations of bias by their party opponents. Still later, missions under

Conservative Party leadership appeared to have been influenced by the party's "principled" foreign policy approach. This was an important issue since it was felt that this emphasis was geared toward elevating the partisan interests of the governing party under the guise a foreign policy guided by other-serving, national interest considerations. Partisan interests are often cited as driving factors behind Canada's EOMs to Ukraine. But is this so?

As early as 2004, concerns were raised with respect to the participation of members of parliament as organizers and observers (Wikileaks, 2004). Political interests appeared to be served as MPs vied in their role as champions of the first bilateral mission supporting democracy in Ukraine. While criticizing the then-Liberal government for not doing enough to safeguard the election (ibid), MP Peter Goldring also openly questioned the impartiality of MPs from other parties. In particular, Mr. Goldring had concerns regarding Liberal MP Borys Wrzesnewskyj, who was photographed hugging presidential candidate, Victor Yushchenko. New Democratic Party MP Judy Wasylycia-Leis was also criticized for routinely wearing an orange scarf in the House of Commons in support of Yushchenko while serving as an observer in the November 21 run-off elections. Meanwhile, Mr. Wrzenewskyj's insistence that Canadians of Ukrainian origin form the majority in the observer contingent (since this was the only way that the Canadian mission could succeed) was seen as prejudicial to the mission (ibid). The competition between the party representatives was fierce and elicited rebuke from certain quarters: "Any perceived bias will likely be exploited by anti-Yushchenko elements in Ukraine, and Moscow, as further evidence (in their view) of western interference into internal Ukraine political affairs (ibid)." While the post-2004 missions improved in terms of professionalization, and therefore impartiality, partisanship remained entrenched.

Importantly, bilateral missions are seen as less legitimate than their multilateral counterparts because of the connection or perceived connection with the government and the governing party. After the 2004 mission, viewed as closely connected to the Liberal government of Paul Martin, Canada's subsequent bilateral EOMs became more independent. That being said, the selection of the mission leadership and recruiting agency continued to be a prerogative of the government. So, while the missions operated at arm's length, government influence was still seen as an ongoing risk. This became manifest in 2010 when under the newly Conservative government Canadian bilateral EOMs to Ukraine became further integrated into Canada's foreign policy planning.

Under the Conservative Party, Canadian bilateral EOMs to Ukraine became an integral part of the government's foreign policy. While not in and of itself partisan, there is evidence to suggest that the missions constituted a part of Prime Minister Stephen Harper's 'principled' foreign policy agenda. Furthermore, the decision to change the oversight of the missions from CANADEM to CANEOM was derided by some as a political level move to allow the Conservative Party more control over the missions. This requires closer investigation.

The Conservative Party's principled foreign policy can be described as shifting Canada's foreign policy from liberal internationalism toward a position "...rooted in moral virtue and martial valour (Roland Paris, 2014: 284)." Multilateralism gave way to an increased emphasis on bilateral relations. Bilateral alliances and strategic interests became part of Canada's foreign policy direction under the Harper government. It would account for Canada's strong support for Israel and, for that matter, Ukraine. The shift in foreign policy direction under Harper would have Canada no longer playing the 'honest broker' role. Rather under Prime Minister Harper's leadership, Canada would take hard-line positions and choose sides in matters of foreign policy

priorities (Stephen Maher, 2015). Because five of the six EOMs took place under this value-based agenda, this arguably would have bearing on the missions.

Mr. Harper's new brand of foreign policy surfaced in government rhetoric regarding the bilateral EOMs. In 2012, facing criticism that the bilateral mission had sent too many observers to the parliamentary elections, Jason Kenney claimed the EOM was part of Canada's answer to Moscow's provocations and their violations of Ukrainian sovereignty ("Canada Sent too Many Observers to 2012 Ukraine Election: Report," 2014). In 2014, Kenney connected Canada's bilateral EOMs with the Russia-Ukraine conflict, stating:

We are doing this in part to send a message, as with everything else we're doing in Ukraine to demonstrate our support for Ukrainian sovereignty and democracy. It's not Canada that's provoking the Russian Federation. It's the Russian Federation that's provoking the democratic world by so obviously undermining the sovereignty of an independent member state of the UN (Blanchfield and Ward, 2014).

The message being sent was that the bilateral mission was part of Canada's foreign policy contribution in Ukraine's effort to defend itself against aggression. Canada's EOM to Ukraine was nothing short of a political instrument.

Partisanship at the political level can also be found in the selection of EOM management organizations. The government has claimed that Canadian bilateral EOMs to Ukraine are 'independent' but it is the governing party that has the power of selecting the mission management agency. The switch from CANADEM to CANEOM may have been detrimental to the preparedness of the mission as it occurred merely weeks before the mission's deployment. Despite the difficulty, the rationale for the change in agency was not fully addressed by the

government. Paul LaRose-Edwards, the Executive Director of CANADEM explains that the change was caused by partisan aspirations:

The sudden transfer of the bilateral [missions] to CANEOM was a strictly political level attempt to step away from an independent Canadian NGO and have a mechanism more amenable to various Harper government political level aspirations. The very positive independent MEOP evaluation of CANADEM just prior to that political decision, combined with repeated comments by departmental civil servants that they were very happy with CANADEM, suggest that a new government might well revert to CANADEM (*personal communication* [e-mail], October 26, 2015).

If the change was to provide the Conservative government with closer control of EOMs, it could be seen as a conflict of interest between the government of Canada and what are supposed to be independent missions, again leaving the bilateral EOMs susceptible to allegations of interference while rendering the missions less effective.

Finally, as recently as 2012, Prime Minister Harper wanted Canada to relinquish its membership in the OSCE. This would have effectively ended future multilateral missions through this organization. Although Mr. Harper was ultimately convinced to remain within the organization by US President Barack Obama, the contemplated withdrawal from multilateral institutions in favour of bilateral engagement points to policy preferences that may have partisan undertones.¹ Many EOM participants and others valued the OSCE-ODIHR missions. The Harper Conservative government, however, did not share the same level of appreciation, apparently. Ongoing partisanship in Canada's bilateral missions from 2004-14 – be it overt displays of

¹ Certain political commentators, such as John Ibbitson, argue that Prime Minister Harper's 'principled' foreign policy doctrine can be partially described as a withdrawal from multilateral institutions in favour of bilateral relations. For example, some believe that Canada lost its bid for a seat at the UN Security Council because of the government's insistence on being perceived as one of the strongest bilateral partners of Israel (John Ibbitson, 2014).

partisanship or part of a larger foreign policy plan, undercut the international norms and standards of EOMs and therefore have had a negative effect on the missions.

3.5 National /Political Interest

This binary speaks to Canada's foreign policy towards Ukraine as it pertains to the larger national interest or, conversely, to a more niche political interest. Perhaps the principal reason that Canada's electoral observation missions to Ukraine, both bilateral and multilateral, are seen as being in the national interest is that they enjoy almost unprecedented support of the large Ukrainian diaspora community within Canada. And yet this is problematic. Is the community's interest the same as the national interest? The involvement of the Ukrainian Canadian Congress in the missions (and voices within the government in support of community involvement) projects a sense of strong political interest, which may not necessarily take into account the larger national interest but rather privileges narrow concerns. Nevertheless, Canada does maintain a "special relationship" with Ukraine that is defined in national interest terms and EOMs are part of the national interest calculation. How are we to understand this dilemma?

National Interest

Canada has had a strong and enduring bilateral relationship with Ukraine – underscored by a number of notable events including becoming the first western country to recognize Ukraine's independence in 1991 and a 1994 Declaration on the 'Special Partnership' between the two countries. In 2004, the relationship was further reinforced with the start of Canada's bilateral EOMs to Ukraine. The Department of Citizenship and Immigration states "Canada and Ukraine

enjoy close bilateral relations based on historic ties of friendship forged through generations of Ukrainian migration to Canada. Today, these relations have moved beyond their roots in the community of 1.2 million Canadians of Ukrainian origin to produce a mature, balanced, and mutually beneficial twenty-first century partnership” (Citizenship and Immigration Canada, “Backgrounder – Canada and Ukraine bilateral relations,” 2012). Indeed, Canada’s economic and developmental aid and assistance programs, various bilateral agreements, and steadfast support during the recent geopolitical conflict with Russia provide “substance and meaning behind the oft-repeated claim of the ‘special’ nature of Canadian-Ukrainian relations (Kordan, 1996: 136, 137).” Although much of Canada’s support for Ukraine since its independence has focused on economic ties and civil society, there has been a concerted effort over the past decade to strengthen Ukraine’s electoral democracy, particularly through EOMs, as an extension of the ‘special relationship.’ This reflects the foreign policy priorities of Canada of each and every successive government. Ukraine fits within Canada’s larger strategic, security and developmental goals.

While much of Canada’s bilateral efforts are made at the political and special interest level, the scale, continuity, and ongoing public interest in Ukraine – even outside of the Ukrainian-Canadian community – suggest that the missions are largely in the national interest. Although the Ukrainian-Canadian community is certainly being courted by political interests, much of this can be described as responding to politically engaged electors rather than a small, single-minded lobby group, something that democratic governments are tasked with ordinarily. Expanding on this point, Senator Andreychuk states:

...yes, we have a constituency within Canada – I’m not so naïve not to believe that there is a benefit and a spin-off to parties when they listen to them, but isn’t that what our democracy is about? If a

significant number of people in Canada say ‘go help Ukraine...’ that may be in the interest of the party, [but] that may be of interest to Canada (Andreychuk, 2015: 10).

The senator goes on to say that national interest and international interests have to intersect at some point, highlighting Haiti as one of the only other countries in the world to which Canada has sent a bilateral EOM. It is an example of yet another country that holds a similar national interest in part because of the Haitian-Canadian diaspora community. But it also falls within the larger foreign policy priority of helping developing and transitional states, which has become part of the foreign policy vocabulary of a Canada, which is internationalist in spirit and ambition (ibid).

Political Interest

There is no doubt that Canada’s EOMs to Ukraine are part of the ongoing special relationship between the two nations. The missions play an important national interest role. That being said, political interest may also affect the missions. But this raises some questions. In particular, what influence does the Ukrainian-Canadian representative body, the Ukrainian Canadian Congress, have with respect to defining Canada’s foreign policy priorities? And to what extent does the government respond to that influence?

The UCC is comprised of a range of Ukrainian-Canadian organizations and claims to be the “voice of Canada’s Ukrainian community.” Moreover, as the community’s representative body, it has lobbied the government for these past 70 years. The group, for instance, has continuously called for EOMs to Ukraine, both bilateral and multilateral. They were also listed as a principal supporter of the CANEOM missions and even organized their own observer

missions for several of the elections. UCC involvement suggests that political interests are at work here.

While it is difficult to measure precisely the influence that the UCC holds over the process, the organization has had an impact. In 2004, after sending 75 observers through the OSCE-ODIHR for the original second-round presidential election, the Martin government unexpectedly announced that a bilateral mission of 500 Canadian observers would be sent to monitor the repeat second-round. The announcement, it would appear, was the result of lobbying by the UCC (supported by several key MPs) (Wikileaks). The UCC called initially for a mission of 1500 observers to be organized (*ibid*). Although the Martin government would not agree to the initial number, it was persuaded by the UCC to fund a separate community-sponsored EOM to Ukraine (*ibid*). It would prove to be problematic insofar as UCC mission observers were subsequently accused of bias toward the pro-Western presidential candidate Viktor Yushchenko and even of “picking candidates” (Andreychuk Interview: 2-3). Government funding of what was identified as a politically motivated initiative as well as the participation of Canadian parliamentarians in the exercise led to sharp criticism; namely that Canada undercut its reputation as a credible party unable or unwilling to follow international standards and norms (*ibid*: 4). Senator Andreychuk would seek to mitigate the involvement of vested political interests in subsequent missions. But was it even possible to address the source of that influence when it was located in the body politic?

The influence of the Ukrainian-Canadian community was particularly apparent under the Harper government when, as part of the government’s effort to consult with ethnic communities, the UCC was invited to engage with the government on policy matters, including large-scale bilateral EOMs to Ukraine (Kordan, 2016 [unpublished manuscript]: 89). Although it is difficult

to surmise the level of influence, the UCC had an impact insofar as it was directly correlated to the organization's participation in EOM work. CANEOM's 2014 early presidential and parliamentary elections final mission reports, for example, noted the extensive involvement of the UCC, something that was also trumpeted by the organization (CANEOM, 2014a: 35; CANEOM, 2015: 51; Ukrainian Canadian Congress, 2015b). Its presence was felt, explained in part, by the sizable population of the community, which commands political attention.

The influence of the larger Ukrainian-Canadian community is seen as a major factor in the politicization of Canada's foreign policy towards Ukraine, including the bilateral and multilateral missions. The Ukrainian-Canadian community, an estimated 1.2 million, is not only one of the largest ethnic communities in Canada but one of the best organized. Former UN ambassador Paul Heinbecker, has argued that the UCC's, and the general Ukrainian-Canadian community's, ardent support of Canada's bilateral efforts in Ukraine may be attractive for parties hoping to gain or retain power (Kordan, 2016: 93). Therefore, Canada's large, visible, and self-promoting missions may be an attempt to curry the UCC's favour. As Senator Andreychuk stated, the continuation of missions "...may not be an election winner but it might be an election loser (*personal interview*: 13)." Because of the UCC's strong support, and that of the general Ukrainian-Canadian population, political parties may feel that they need to continue the missions in their present form to ensure that the diaspora community in Canada is aware of their efforts. This has led Christopher Westdal, Canada's former ambassador to Ukraine and Russia, to conclude that the Harper government's foreign policy towards Ukraine was completely dictated by domestic electoral gain, stating: "We've got a diaspora-driven foreign policy (Blaze Carlson, 2014). To the degree that this is true, bilateral missions suggest political interests at work.

3.6 Conclusion

An analysis of the four binaries shows that Canada's missions are not a solely altruistic endeavour. The missions contain other-serving aspects such as a genuine interest in ensuring elections follow international standards and spurring on the democratization of Ukraine. But self-serving factors have also permeated the missions, in part shaped by the very bilateral nature of these missions. Many experts believe Canada's bilateral missions are meant to promote and provide feedback for the sending country entirely, something that contradicts EOM best practices.

The inherent problem with bilateral EOMs is that they are subject to political interference. It may very well be that practical considerations and needs factor in the government's decision to include large number of Ukrainian Canadians, but this simply underscores the difficulties. Only a strict adherence to policy goals and prescriptions – neutrality, impartiality, and professionalism – can address and counteract claims of political interference. In this regard, Canada's EOMs to Ukraine have improved by pursuing policy goals that enable missions to become more professional and not just efficient, something that experts believe to be integral to the success of EOMs.

Canada's bilateral EOMs to Ukraine contain both non-partisan and partisan agendas. Canada's major federalist parties continue to steadfastly support these missions as well as other development initiatives in Ukraine. The missions also uphold international norms and standards, seeking to ensure that they function in an impartial fashion. However, the missions have also been susceptible to partisan politics, as the bilateral nature of these missions has made them prone to government and even party interests. Partisan competition was at the forefront of the 2004 missions as Canadian MPs vied to be seen as champions of Ukrainian democracy. The

level of partisanship, however, would become even sharper as missions became an integral feature of Mr. Stephen Harper's foreign policy approach and effort to exercise greater control over the EOMs themselves. The switch from CANADEM to CANOEM, according to the Executive Director of CANADEM, was a political-level attempt to have a mechanism more amenable to the Harper government, pointing to a high degree of intervention if not interference. Indeed, as international norms and standards dictate, EOMs must be free from any bilateral considerations or partisan gain, meaning that the government's supposed control over the missions compromised the ideal of an 'independent' mission and perhaps even their legitimacy.

It is difficult to discern whether Canada's missions are of national interest or derived from political interests. Canada's large Ukrainian diaspora community and the enduring special relationship point to national interest. But a large demographic constituency and voting bloc that brings with it political will suggests that the political dimension cannot be dismissed entirely. That being said, the UCC and the Ukrainian-Canadian community at large do not dictate Canada's foreign policy towards Ukraine, but instead wield a degree of influence when the community and government interests are shared (Kordan, 2016: 54-98). Nevertheless, national interest remains an omnipresent factor in Canada's EOMs to Ukraine, especially in the context of Canada's foreign policy.

Many of these binaries focus on the circumstances surrounding Canada's bilateral missions to Ukraine, but not necessarily how they are conducted on the ground. An examination of these binaries demonstrate that Canada's missions are not solely altruistic (an EOM ideal), but rather contain aspects that are self-serving, factor practicality over beneficial policy, and are sometimes partisan and political in nature. Does the existence of these factors affect Canada's ability to pursue EOMs according to international norms and standards as they are conducted on

the ground? Do these politicizing factors seep into the missions as they are being conducted in Ukraine? The altruistic and good policy aspects of the binaries, which show that Canada is interested in helping to democratize Ukraine, suggest not. The following chapter, using a baseline of international norms and standards identified in Chapter 2, will determine how well Canada's missions adhere to said practices and to what extent do politicizing factors affect the missions on the ground.

Chapter 4

Canada's Bilateral Missions and Multilateral EOMs: Standards and Findings

4.1 Introduction

The previous chapter detailed the multifaceted nature of those issues and politicizing factors that potentially would have bearing on the rationale, objectives, and nature of Canada's bilateral EOMs to Ukraine. But how well do the missions follow their own mandate in the field and how do they compare with the missions of the OSCE's Office for Democratic Institutions and Human Rights (OSCE-ODIHR) – the leading organization overseeing multilateral EOM missions in Ukraine during the same period?

The binary approach has allowed us to identify possible political factors that may affect the missions on the ground. Whether these have had an impact on Canada's ability to meet international standards will be assessed by examining them in the context of standardization documents, possible structural problems, and the findings of actual mission reports. Referencing the international norms and standards identified in Chapter 2 and the political factors discussed in Chapter 3, any discrepancies between the bilateral and multilateral missions (identified through a comparative assessment of the final reports) will help determine what if any of these factors may be present during the fielding of the missions.

4.2 Standards and Best Practices

There are a number of international standardization documents that Canada's bilateral missions adhere to. Canada's adherence to these documents is important because it points to the rationale behind Canada's bilateral missions and intimates whether the objectives outlined in these documents have been duly incorporated into mission practice. The underlying rationale for EOMs is to observe and assess elections with the view to achieving democracy in the host country. What then do the documents outlining standards tell us about the criteria for success? What steps need to be taken for success to occur? And what might be the impediments to success?

As Chapter 2 established, among the documents outlining standards, perhaps the most important is the UN's *Declaration of Principles for International Election Observation* and *Code of Conduct for International Election Observers* (DPIEO). The document includes twenty-four articles that cover the definition, purposes, and objectives of international election observation, the obligations of EOMs to host countries, the reporting standards that apply to EOMs, general responsibilities related to the practice of election observation, and the policies aimed at transparency and furthering EOM best practices (Misk: 778). In this regard, the DPIEO emphasizes the importance of impartiality, non-bias, and the sustained gathering of information. It states, for example, that EOMs must be "conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality (2005: 1)." Furthermore, it calls for evaluating pre-election, Election Day, and post-election periods by way of long-term observation. While it allows for stand-alone, specialized missions to observe only the election day, the DPIEO highlights that these missions should make publicly clear that mission activities

and conclusions are limited in scope; namely that any conclusions must place the election day into its context and not overemphasize the importance of election day observations (*ibid*: 3). Much like the DPIEO, the *Code of Conduct* is explicit in its call for impartiality and non-bias. It further directs, however, that observers must maintain impartiality at all times, even during periods of leisure. It states that observers “must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process (2005: 2).” Canadian observers are expected to adhere to these strict standards.

Equally important whether it is the DPIEO or the *Code of Conduct*, the standards aim towards achieving impartiality while suspending any prejudices – to hold back on any preconceptions so that the results may speak for themselves. The emphasis placed on these criteria highlights their importance for mission success. The insistence on a process of sustained information gathering helps to validate the observations and the integrity of the conclusions. It does not seek to assert whether the elections are ‘free and fair’ as much as to say that every effort was made to ensure that the process was respected. This means that sustained and accurate data collection is integral to any EOM mission, perhaps even more so than the outcome of the final assessment.

CANADEM, CANEOM, and the OSCE-ODIHR are all signatories to the DPIEO and accompanying *Code of Conduct*. Adhering to these documents implies that Canada’s bilateral missions are committed to upholding international norms and standards of election observation, which includes impartiality, non-interference, and the accurate gathering and analysis of information. Furthermore, that the Canadian missions are oriented towards incorporating criteria that are part and parcel of multilateral missions, suggest that the Canadian missions do not veer

very far from the multilateral initiatives. Nevertheless, are the norms and standards of impartiality and non-partisanship enforced? Are there any structural impediments? If there are, what might they be?

4.3 Standards and Structural Impediments

According to Senator Raynell Andreychuk, rules governing individual comportment were enforced while she was Head of Mission. This commitment came about as a result of the particular difficulties associated with the 2004 bilateral mission that was plagued by accusations of bias and partisanship. But it also became evident to the participant observers under her leadership that there was a responsibility to follow the rules, which, when laid out, made clear their role and purpose. When this was not met the senator was compelled to send such individuals home (Andreychuk Interview: 16).

Steps were taken to address individuals who would violate the expectations around norms and standards. It highlights for us that there was a considered effort to address the issue of partiality and bias. But what of the influence of Ukrainian Canadians as a group, which is a different category of impediment? Chapter 3 underscores the issue of practical necessity and the involvement of the community in Canada's EOMs. And yet, it was also noted that Ukrainian Canadians were motivated by an intense desire to help their ancestral homeland. Individual bias can be confronted on a case-by-case basis, but what of an entire community that although committed to democratization are equally interested in a democratic outcome?

Do standards, in this case, have a role to play? Arguably, adherence to standards addresses the problem that is inherent with the presence of Ukrainian-Canadian observers. Indeed, would it

matter that observers were Ukrainian Canadians so long as they were prepared to maintain and respect standards and norms? The argument, of course, is that it would not. But this underscores the need for Canadian EOMs to follow the prescriptive approach to election monitoring identified in the documents. Strict compliance and adherence to the criteria solves many problems and deflects many criticisms, including motives attributed not only to political interest but partisanship as well. As Senator Andreychuk (2015) observed:

Those that speak Ukrainian or Russian...also have a political interest in those areas in many cases.

What happens is they might say something or do something that is beyond neutral. I was preoccupied with having everyone absolutely neutral. And in some cases, we had to pull some individuals out; fortunately, very few. I was amazed at how when we put the right concepts to people and they understand their role, they want to do well (16).

And yet, it is not entirely clear whether this emphasis on process ensures that Canada's EOMs to Ukraine will follow the standards as a matter of principle, indicating a structural obstacle. The reservations on this score emanate from the willingness of the Canadian government to interject when it comes to its own interests. The issue then is the bilateral nature of Canada's missions. As Chapter 2 determined, bilateral EOMs cannot be wholly removed from the sending country nor its government. There is considerable emphasis on partiality when it comes to individuals and communities. But what if the bias is at the level of government?

Unlike ODIHR missions, the declaration of the mission's country of origin has been the practice of Canada's bilateral missions. The binary framework explored in Chapter 3, however, reveals that displaying the country of origin may be a self-serving endeavour. CANADEM's 2010 presidential, 2012 parliamentary, and the 2013 repeat parliamentary by-election missions all used the label 'Mission Canada.' Later missions, though not dubbed 'Mission Canada,' went

by ‘Canadian Election Observation Mission’ – hence CANEOM. And yet the display of the country of origin is considered to be contrary to international standards and best practices because of the perception that the mission may ultimately be serving Canada’s interests rather than the stated objective of impartial observation. The inherently self-serving nature, or at least self-promoting display of “Team Canada” (or similar such phrases) diminishes the perception of impartiality (Plan: Net Limited: 60, 61). This is a major shortcoming, which opens Canada to criticism. It also lays bare the idea that if there is non-compliance in one area, then this may also carry over into others. Despite the best intentions, the motives of government are openly questioned.

Overall, Canada’s bilateral missions to Ukraine, with the exception of the 2004 mission, subscribe to, and largely follow, many of the most recognized and important agreements in the field of electoral observation work. In most cases, the mission officials have enforced the rules and regulations dictated by these standardization documents. This has professionalized Canada’s bilateral missions, an effort spearheaded by Senator Raynell Andreychuk. As CANADEM and CANEOM have signed on to the DPIEO and pledged to follow OSCE standards and best practices, the missions on the ground appear to be compatible with other recognized EOM organizations – at least in principle. But that being said, if Canada is unwilling or unable to adhere to the most fundamental provisions outlined in many of the international documents, then problems of validity and legitimacy surface. This is demonstrated in the government’s predisposition to identify country of origin as a feature of Canadian bilateral EOMs to Ukraine, despite the fact that it does so to gain domestic popular support for the initiative. This is a major problem and underscores the real difficulties in placing Canada’s EOMs above reproach. Nevertheless, to obtain a better sense of the success of Canada’s EOMs to Ukraine, however, we

must turn to the final mission reports. What do the reports reveal about the success of Canada's EOMs to Ukraine and the obstacles to that success?

4.4 Final Mission Reports: A Comparison

Table 4.1: Final Assessments

Final Assessments	Canadian Bilateral EOMs (CANADEM/CANEOM)	International Multilateral EOMs (OSCE)
	<i>2004 (Presidential – Repeat 2nd Round)</i>	
	“The sentiment expressed everywhere in Ukraine has been a desire that this election be held freely and fairly and that it be a true reflection of the will of the Ukrainian people...Having now had the opportunity to hear directly from observers, I am all the more confident that the election was a fair one..”	“While the 31 October (first round) and 21 November (second round) votes failed to meet a considerable number of OSCE Commitments, Council of Europe and other international standards for democratic elections, the 26 December repeat second round vote brought Ukraine substantially closer to meeting them.”
	“...the desire of the Ukrainian people to exercise a free, fair and transparent vote was realized, and that the 2010 presidential elections were indeed a genuine reflection of the democratic will of Ukrainian voters.”	“The presidential election met most OSCE commitments and other international standards for democratic elections and consolidated progress achieved since 2004”
	<i>2012 (Parliamentary)</i>	
	“ <i>Mission Canada</i> concludes that...Ukraine's parliamentary elections fell short of meeting international standards, and that these elections marked a regression in Ukraine's democratic development.”	“... [The] elections were characterized by the lack of a level playing field, caused primarily by the abuse of administrative resources, lack of transparency of campaign and party financing, and lack of balanced media coverage. Certain aspects of the pre-election period constituted a step backwards compared with recent national elections. Voters had a choice between distinct parties. Election day was calm and peaceful overall. Voting and counting were assessed mostly positively. Tabulation was assessed negatively as it lacked transparency.”
	<i>2013 (Repeat Parliamentary)</i>	
	“Without addressing many of the same shortcomings in these repeat elections, <i>Mission Canada</i> does not feel that notable progress has been made to amend its 2012 finding.”	As the OSCE did not send an EOM for this election, only an Election Expert Team, they stopped short of declaring if the election met international standards or not. Instead, the report indicated that its recommendations are offered “...in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic process (14).”
	<i>2014 (Presidential)</i>	
	“The Early Presidential Election was held and, on the overwhelming majority of Ukrainian territory, met international democratic standards.”	“The election was characterized by the clear resolve of the authorities to hold what was a genuine election largely in line with international commitments and with a respect for fundamental freedoms in the vast majority of the country.”

	<i>2014 (Early Parliamentary)</i>	
	“The elections broadly met international standards for democratic elections...”	“[The] elections marked an important step in Ukraine’s aspirations to consolidate democratic elections in line with its international commitments.”

Accurate, professional, and timely final mission reports are essential to all EOMs. These reports are meant to provide an impartial, third-party assessment to the citizens of the host country. While EOMs generally release a shorter, preliminary post-election statement of findings, the final report aims to be a comprehensive assessment of the entire election process. Therefore, a comparison of Canada’s bilateral mission reports with one another as well as with those of the OSCE-ODIHR helps shed light on their rationale, objectives, and nature and by extension the degree to which they follow international standards and practices. What do the similarities and differences between Canada’s own reports, as well as those of the OSCE-ODIHR, say about adherence to international standards and practices?

A comparison of the final mission reports of Canada Corps, CANADEM, and CANEOM indicate that the missions have improved in adopting best standards and practices on the ground. From 2004 this improvement has been gradual. But the 2004 reports indicate how far Canada has evolved to meet those standards.

The 2004 final mission reports, for instance, relied on a ‘black and white’ assessment, opting to declare the election was “held freely and fairly (Table 1.1).” As noted in Chapter 2, however, the standard of ‘free and fair’ does not allow for a nuanced understanding of the election and may allow detractors to cast doubt over the report’s conclusions. The importance, therefore, is that an EOM must produce an assessment that is beyond reproach. This is not the only area in which the 2004 report fell short of meeting international standards. While all final

mission reports from 2010-2014 are easily accessible online, the 2004 report was not.² As the final reports allow Ukrainians to assess the quality of the election, the lack of a publicly available final mission report underscores the mission's want of professionalism. Furthermore, the mission may not be able to defend itself from certain criticisms because of the lack of a final report. It remains unknown why the 2004 final mission report was removed from the internet and why it was not in the possession of the Government of Canada. Conversely, the OSCE-ODIHR's final report for the 2004 presidential election is easy to attain online. Although the 2004 final mission report fell short of international standards in these areas, later reports show that improvements have been made.

Perhaps the most substantial improvement Canada's bilateral EOMs to Ukraine have made since the 2004 and 2010 missions has been the introduction of a long-term observers. The evolution from less experienced, exclusively short-term missions to more professional and experienced short-term and long-term missions allow for multiple essential areas of assessment to be properly analyzed. As section 4.2 illustrates, covering pre-election developments can be equally as important as the election day itself. Because of their sole focus on observing election day, the 2004 and 2010 missions did not include pertinent information in the areas of political background or context, election administration, voter or candidate registration, campaign environment, campaign finance, media environment, complaints and appeals processes, post-election developments, or barriers in regards to gender, ethnicity, or youth (Annex 1). These areas of assessment require long-term observers to monitor and study trends over an extended period of time. Requiring sustained data collection, the inclusion of long-term developments in

² The department associated with the now defunct Canada Corps, Global Affairs (formerly DFATD), was unable to locate it after an access to information request (Personal Communication [e-mail], January 8, 2016). The final report was eventually discovered using an Internet archive search engine in combination with a 'broken link' to the report.

the final reports is considered to be in line with international EOM standards. The presence of long-term observers in Canada's bilateral EOMs has thus contributed enormously to improving the overall assessment of Ukrainian elections and demonstrates that the government gained an understanding of the underlying rationale of EOMs.

After Canada's missions added long-term observers in 2012, many other important areas of inquiry and assessment – such as campaign finance, campaign environment, freedom of the press, and election administration – were also added. This made the scope of Canada's missions comparable to those of the OSCE-ODIHR. However, in later missions, some areas of inquiry were inexplicably abandoned. For example, a description of the application and selection process for observers was not included in the three final mission reports (Annex 1). From the point of view of determining how and why Canadian observers were chosen, this was especially important considering the controversies surrounding observer selection in Canada's bilateral missions.

Another area of investigation in Canada's final mission reports that invited change has to do with barriers to the democratic process – whether voting procedures, candidacy, or general participation – especially with respect to gender, ethnicity, and youth. Inquiries first appeared in the 2012 parliamentary elections final report and then with each subsequent election; initially, only containing an analysis pertaining to gender, then gender and youth. The primary emphasis, however, was on gender (Annex 1). The mission-to-mission discrepancies with regard to gender and youth call into question the rationale behind such unexplained changes and exhibit a lack of continuity between missions. Aside from investigations regarding gender and youth, the reports did not discuss the existence of barriers to ethnic minorities, and while it is possible that there

were no barriers, a comparison between the final mission reports of Canada's missions and those of the ODIHR demonstrate that any such conclusion is problematic.

The final mission reports of Canada's bilateral missions to Ukraine, with the exception of the 2013 repeat parliamentary by-election, contain forewords written by the Head of Mission. The forewords tend to be laden with arguably subjective content and sweeping generalizations.³ While the ODIHR multilateral missions also have leadership roles, none of the reports have forewords written by the Head of Mission. It may be that these are used in the case of Canadian missions as an opportunity to tout the government's bilateral relations with Ukraine and furthermore between the government and Ukrainian-Canadians. Although the reason for the ODIHR to exclude a foreword is unclear, the inclusion of a foreword seems inconsequential as the data and analysis are captured in the report and the organization may have found the purely subjective statement to be unnecessary or unhelpful. The inclusion or exclusion of a foreword, as long as it maintains the EOM standard of impartiality, is not necessarily problematic in and of itself, but does add credence to the idea that the missions are self-serving ventures.

Discrepancies between the missions of Canada and the OSCE-ODIHR also arise due to the lack of long-term observers in the CANADEM missions of 2004 and 2010. Canada's 2004 and 2010 bilateral missions were much less effective than later missions because they lacked long-term observers. This shortcoming is evident between Canada's 2004 and 2010 final reports and those of the ODIHR. For example, the ODIHR final mission reports for 2004 and 2010 include an depth analysis of political background and context, election administration, voter and candidate registration, campaign environment and campaign finance, media environment,

³ i.e. "Ukraine's democratic and pluralistic traditions run deep. It is not that Ukraine needs to learn democracy. It is still in the process of asserting its democracy in spite of obstacles – some of which are external, and some of which are unfortunate legacies of its Soviet past (CANEOM, 2015: 3)."

complaints and appeals, barriers to voting for youth, gender, and ethnic minorities, and post-election developments – the same areas of investigation which the Canadian missions undertook when they expanded to include long-term observers after 2010. This reinforces the findings of Chapter 3, suggesting that the large, hastily put-together 2004 mission, and perhaps the 2010 mission, was more about political optics than substantive observation. This comparison serves to reinforce some of the negative aspects of Canada’s 2004 and 2010 EOMs, but also underscores their subsequent growth and evolution into more effective and professional undertakings.

The OSCE-ODIHR and Canada’s bilateral missions differed from each other and themselves in their observation of voter minority participation and barriers to voting with regards to gender and ethnic minorities. Beginning in 2012, the final reports of the Canadian missions explored the inequalities associated with female political participation. It also covered youth involvement, but inconsistently. The OSCE-ODIHR, on the other hand, began with an in-depth analysis of female political participation in their first three corresponding mission reports, but did not cover the subject at all in their final two (Annex 1). In terms of regional developments, both CANEOM and the ODIHR made special mention of the disfranchisement of persons within the Autonomous Region of Crimea as well as the *oblasts* of Donetsk and Luhansk during both 2014 elections. However, the final mission reports of the OSCE-ODIHR, since 2004, explicitly mentioned barriers to voting, discrimination, and/or general disfranchisement of individuals within ethnic minority communities including Russophone-Ukrainians, Roma, and Jews. While it is possible that the Canadian missions simply did not witness discrimination or disenfranchisement of these groups, it seems unlikely given their multilateral counterpart explicitly mentioned these groups in all of their final mission reports. Why do Canada’s missions ignore this important area of assessment?

It is difficult to discern why the final mission reports of Canada's EOMs leave out this area of investigation, but it may show the existence of practical considerations that trump the need to follow policy guidelines. Perhaps the missions do not have the capacity to train observers that are culturally sensitive to issue of disenfranchisement, or perhaps the OSCE-ODIHR has a better understanding than CANADEM or CANEOM of the systematic barriers that Roma, Jews or Russian-speaking Ukrainians face. On the question of female participation, women are approximately one half of the population and historically disfranchised. Therefore an investigation of female political participation is warranted and, indeed, integral to any EOM operating in any country. Canada is right to focus on this area, but the discrepancies between Canada's missions and those of the OSCE-ODIHR with respect to ethnic minorities raises questions about the capacity and willingness of Canada's missions to expand its inquiries into sensitive areas that may compromise its own political and self-serving interests.

The final mission reports, on the other hand, do show that in some areas of assessment Canada's bilateral EOMs to Ukraine did outperform those of the OSCE-ODIHR. For instance, Canada's 2010 and 2012 final mission reports contain a section outlining the application and selection processes for observers, while the OSCE-ODIHR did not. From 2004 onward, the missions were also transparent in that the entire organizational structure of the mission, including a full list of participants, was made public. In comparison, the OSCE-ODIHR discussed the missions' management as well as the size and scope of the mission but not in detail, for example, not including a public list of long-term observers and short-term observers until the 2014 early parliamentary election. Furthermore, Canada's bilateral EOMs outlined the observers' training schedule, which included a description of the content of the training sessions and instructor qualifications (Annex 1). The 2014 Presidential Election Final Report by CANEOM in particular

contained a detailed training schedule for both the long-term and short-term observation missions, which showed how observers were being trained on wide variety of issues such as security, deployment logistics, using their tablets, and understanding the UN *Code of Conduct for Election Observers* (CANEOM, 2014a: 40). Canadian bilateral EOM final reports also improved upon their OSCE counterparts in how they presented their raw electoral observation data.

The raw data included in the Canadian bilateral mission final reports was generally presented in table or graph form. In contrast, the OSCE-ODIHR final reports presented only aggregate findings and within the narrative of the report. Tables in the Canadian bilateral EOM reports include statistical results on the gender-make of the precinct electoral commission roles, number and level of physical access to the polling station, instances of problems or irregularities, rating on the overall quality of the polling station, and much more. The way in which this data is presented makes it easier for the reader to comprehensively view the election in its entirety (CANADEM, 2012: 52-81; CANEOM, 2014a: 45-56). While these improvements by Canadian EOM final reports upon those of the OSCE-ODIHR are somewhat incidental to the overall report in terms of recommendations and conclusions, it nonetheless allows for interested individuals to further investigate the credentials of the experts, comprehensively view the collected electoral data, and appreciate the general professionalism of the missions, giving greater legitimacy to the final assessments.

Overall, the missions of the OSCE-ODIHR have been more consistent in their areas of inquiry than Canada's bilateral EOMs. That being said, the final reports of the Canadian missions have improved greatly, especially since the first two deployments, and indeed surpassing those of their multilateral counterparts in some key areas. This indicates that there has

been a steep learning curve and that Canada's bilateral missions to Ukraine have generally built on the lessons learned and incorporated the best practices, demonstrating an understanding of the underlying rationale of EOMs. The comparison of the final reports, however, has also revealed that some of the political factors examined in the binary framework may have seeped into the missions. These may have been self-serving or politically motivated. While the comparisons of final mission reports may not have uncovered any truly deplorable politicizing objectives like picking candidates or interfering with an election, when added to the controversy surrounding observer selection and government promotion, it is apparent that the nature of Canada's missions is not solely altruistic.

4.5 Conclusion

Canada's bilateral EOMs to Ukraine have steadily improved since their inception in 2004. Perhaps the most important change to date has been the addition of a long-term observation component. Since 2012, the presence of long-term observers has ensured that some of the most fundamental aspects of elections are being assessed, including the political environment such as the nature of the campaign, level and type of campaign financing, the procedural aspects of voter and candidate registration, and the country's electoral laws and system among others. If there are issues, these relate to the functioning of Canada's bilateral EOMs to Ukraine. More particularly, the question is whether the missions have successfully adhered to international documents and standards that have defined procedurally what legitimate and valid electoral observation entails. The standards and best practices are identified in the DPIEO and its accompanying *Code of Conduct for International Observers*, the OSCE-ODIHR *Election Observation Handbook*, and multiple other standards and practices. Structural

impediments suggest that Canada's EOMs may be fundamentally compromised unless a clear commitment is made to follow in principle the important and guiding criteria of impartiality, non-bias and routine data collection. That being said, the final mission reports point to the trend, which has been to expand its activities to ensure that democratic procedures are abided by.

As some of the leading experts in the field of EOMs argue, any judgement of an election is not only problematic – what constitutes a valid electoral outcome – but also may even lead to further complications. The emphasis therefore should focus on methodologies, the professionalism of observers, and the quality of the overall assessment. Of course, since the principal mandate of EOMs is to evaluate elections, they cannot avoid making a final judgement on the quality of the election. Canada's missions improved from 2004 to 2014 in providing more nuanced assessments in line with international best practices. They moved away from using the clichéd “free and fair” standard towards more context-based assessments. After the 2004 election, the final assessments of Canada's bilateral EOMs largely agreed with those of the OSCE-ODIHR, further legitimizing the missions and their findings.

The final mission reports of Canada's EOMs to Ukraine lacked continuity in the areas of application and selection of observers as well as democratic participation of minority groups. While the OSCE-ODIHR identified women, Russophone Ukrainians, as well as the Roma and Jewish minority communities as being either marginalized, discriminated against, or otherwise mistreated during the electoral process, Canada's final mission reports focused only on female political representation and participation and did not discuss barriers to ethnic minorities. This may demonstrate either a methodological failure or perhaps more likely that practical considerations trumped good policy. That being said, in some respects, Canada's bilateral missions outperformed those of the OSCE-ODIHR. Canada's 2010 and 2012 mission reports

described the application and selection process of observers. By way of contrast, the corresponding reports of the OSCE-ODIHR had no such information on this subject. Canada's EOM final reports also superseded the OSCE-ODIHR by providing more thorough logistical and data based information – a multitude of visual graphs and charts outlining the electoral data that the observers collected were included. The bilateral final mission reports also included more information on the organizational structure of the missions, lists of short-term and long-term observers, and descriptions regarding training schedules and instructional content. While Canada's bilateral EOMs face many issues – specifically with regards to mission politicization, their bilateral nature, and certain practices like displaying their country of origin in all accompanying insignia – much of their operation on the ground meets international standards.

Chapter 5

Right and Wrong: What Canada Should Do Now

Since the fall of the Soviet Union and Ukraine's subsequent independence in the summer of 1991, the country has struggled to democratize. Issues of political fraud, media bias, obstructionist electoral laws, assassination attempts, and discrepancies at the ballot box have plagued the country's elections. Dissatisfaction with the state of Ukrainian democracy has led to civic protest movements in the form the *Orange Revolution* and the *Euromaidan*. Although there has been some progress, Ukraine is a long way from becoming a full democracy.⁴ This demonstrates the ongoing need for Ukraine to host electoral observation missions (EOMs).

Ukraine's struggles with democratization form a major part of the underlying rationale for Canada's bilateral EOMs to this eastern European nation. International EOMs, whether of a multilateral and bilateral nature, have become increasingly commonplace and are now seen as a principal tool in promoting democracy. However, critics of EOMs have alleged that these missions could serve to uphold and legitimize "illiberal democracies." While the theory of illiberal democracies raises some important questions regarding the rationale for EOMs, it points to the need for further standardization and professionalization of the missions rather than being an inherent problem that cannot be improved. EOMs have been used by authoritarian regimes in an attempt to further legitimize their rule, but these authoritarians risk having to accept poor EOM reports or reject the missions they once invited. Academics such as Elizabeth Spiro Clark, Susan Hyde, and Judith Kelley acknowledge the difficulties that electoral observation missions

⁴ Term used by the Economist Intelligence Unit in their widely circulated "Democracy Index" to describe their highest ranked countries. The index ranks 167 countries on their level of democracy. Full democracies score between 8 and 10 in their 0 to 10 ranking methodology ("Democracy Index 2014," 2015: 37 and 38).

face, but contend that the benefits outweigh the costs. Although Electoral Observation Missions are only one aspect of democracy promotion, when properly conducted, they can help spur the process of democratization.

Electoral observation, in its essence, is meant to be an altruistic endeavour, meaning that the sending country or organization should not benefit directly from the missions. EOMs are meant to provide the citizens of the host country with an accurate and impartial assessment on the quality of the election in question, allowing the citizens to draw their own conclusions in regards to their own elections. However, since EOMs are a relatively new phenomenon which is not beholden to any overarching legal authority, international EOM norms and standards are yet to be fully agreed upon, leaving them susceptible to the risk of politicization.

In an attempt to standardize electoral observation missions, international organizations have introduced comprehensive standardizing documents. Perhaps the most notable and widely recognized among these documents is the *Declaration of Principles for International Election Observation* (DPIEO) and accompanying Code of Conduct. These documents have brought EOMs beyond simply assessing whether or not an election is ‘free and fair’ into an era of more nuanced and accurate assessments. They have also promoted impartiality and non-bias within the missions by offering guidelines and objectives that need to be met. Nevertheless, the lack of an overarching legal framework, the self-policing nature of EOMs, and the ambiguity of international norms and standards leave Canada’s bilateral missions to Ukraine open to possible politicization.

In exploring the rationale, objectives, and nature of the Canada’s missions to Ukraine through a series of binary relationships – self-serving/altruistic, policy/practical rationale, partisan/non-partisan, and national interest/political interest – it becomes apparent that the

missions are multifaceted. The missions are at times both self-serving and other-serving in nature, have implemented good policy decisions while simultaneously succumbing to practical or political forces. The missions have been championed across the political spectrum but are also used for partisan gain, and fit the narrative of being in Canada's national interest as exhibited by the 'special relationship' as well as in its political interest. More to the point, however, the binary exercise has highlighted for us that political factors are at work. The partisanship and perceived bias of the inaugural Canadian bilateral EOM to Ukraine in 2004, the underlying influence of the Ukrainian Canadian Congress and larger Ukrainian-Canadian community, the symbolic use of the missions as part of Canada's 'principled' foreign policy under Stephen Harper, and the accusations of government interference in the switch from CANADEM to CANEOM are all evidence of politicization at the highest levels of government. But what of the missions themselves?

While Chapter 3 showed that the missions contained certain facets that were self-serving, practical, partisan, and political, Chapter 4 determined if and to what extent the politicizing factors had seeped into the missions on the ground. Using the international norms and standards identified in Chapter 2 as well as the final mission reports of the corresponding OSCE-ODIHR missions as a baseline, the impartiality of Canada's missions on the ground was tested. Since Canada's EOMs to Ukraine claimed to follow such standardizing documents as the DPIEO and *Code of Conduct*, the *EU Handbook for European Union Election Observation*, and the *1990 OSCE Copenhagen Document*, adherence to these agreements would show that Canada's bilateral missions are committed to impartiality as well as other important EOM standards.

The standard of strict impartiality by observers appeared to be enforced, especially under the leadership of Senator Raynell Andreychuk after 2004; mission management sent home some

individuals who openly displayed bias. Particular care was exercised to ensure that bias did not enter into the assessments. And every effort was taken to ensure that the data collected was accurate and complete. However, enforcing standards on a case-by-case basis and insistence that individuals not inject their own biases into the process does not address what arguably are the deep structural impediments faced by the missions. These include the participation of Ukrainian-Canadian observers whose attachments and ties suggest bias, the very nature of the missions themselves as bilateral undertakings, and the promotion of the missions' country of origin that problematizes the intent. These all underscore for us the prospect of impartiality. The proof, however, whether the Canadian EOMs to Ukraine were genuinely committed to the democratic process would become apparent to the degree that they showed change over time and in relation to other multilateral missions.

What the final reports reveal is that when examining Canada's adherence to other norms and standards associated with the aforementioned standardizing documents, Canada's missions have improved over time. While Canada's inaugural 2004 bilateral mission was marred by displays of bias and partisan attacks, later missions increased in professionalization. They have improved in their quality of assessments in gradually phasing out using the standards of 'free and fair' to judge an election. Instead, from 2012 onwards, they have opted for more nuanced and accurate assessments that ensure the findings of the missions are beyond reproach. Furthermore, Annex 1 shows that the missions have improved when compared to the OSCE-ODIHR, often seen as the gold standard of EOMs. But perhaps the most important change that Canada's missions implemented, taking them closer in line with international EOM standards, was the inclusion of a long-term observer mission – an aspect of EOMs that experts agree is integral because it provides a more complete view of the electoral process. The missions, of course, do

not necessarily meet standards in all of its areas of assessment and point to the need for further standardization – the final mission reports, for example, showed inconsistency in covering the electoral participation of youth and failed to address barriers to ethnic minorities – the overall trend nevertheless is towards learning and implementing best practices and principles.

Canada's role in electoral observation missions to Ukraine is important. While much of the rationale for the missions seems to be self-serving, political, and symbolic in nature, the missions have made real strides in their professional conduct. Substantive changes have also been implemented, putting the missions on the ground in the same sphere as those of the OSCE-ODIHR. However, Canada's missions fall short in their partially go-it-alone nature. While the missions on the ground are largely independent, their bilateral configuration makes them susceptible to politicization. Bilateralism opens them up to the charge of bias. For an electoral observation mission, perception can be just as damaging as real bias. So what should be the next step for the newly elected Liberal majority government?

If Canada wishes to be seen as a completely impartial actor and follow international EOM standards and best practices, the government should cease supporting bilateral electoral observation missions. Instead, as the Multilateral Elections Observation Program (MEOP) report suggests, it should increase its role in multilateral organizations – including continuing to support the OSCE-ODIHR in Ukraine and expand its EOM influence in organizations such as La Francophonie. The reality, however, is that no matter the political character of the government of Canada – Liberal, Conservative or NDP – the historic, special relationship that Canada enjoys with Ukraine and the great symbolic value missions have with respect to democracy in Ukraine make it unlikely that such governments will undertake the missions in other than bilateral terms.

This does not necessarily disqualify such missions but the pursuit of national interests, regardless of intention, may be the undoing of many such missions.

That being said, if the Canadian government continues with bilateral missions, there are ways in which to ensure a more impartial and professionalized mission can add to the democratization of Ukraine. First, building upon what Senator Andreychuk has started, the missions must continue to improve best practices, strive to professionalize and commit to independence on policy matters. Second, the government should contract CANADEM as the agency with vast experience in the recruitment, training, deployment, and management of EOMs, not only in Ukraine but also around the globe. And, finally to the degree that the organizing agency, practically speaking, must rely on community volunteers, Canada's EOMs to Ukraine must strike a balance between necessity and process. As bilateral missions are now over a decade old and have included hundreds of Ukrainian-Canadian observers, this objective is possible. National interests and the altruistic and democracy-promoting tenets of Canada's missions to Ukraine are not mutually exclusive, but success is highly contingent on maintaining standards and adhering to best practices.

Annex 1.1: Canadian Bilateral EOM and OSCE-ODIHR Final Mission Report Tables

	CANADA CORPS/CANADEM/CANEOM FINAL MISSION REPORT AREAS OF STUDY					
	2004 Presidential Repeat 2 nd Round	2010 Presidential 2 nd Round	2012 Parliamentary	2013 Repeat Parliamentary	2014 Early Presidential	2014 Early Parliamentary Elections
Forward	✓	✓	✓		✓	✓
Executive Summary		✓	✓	✓	✓	✓
Election Mission Standards			✓	✓	✓	✓
Mission Mandate/Intent/Scope		✓	✓	✓	✓	✓
Election System and Legal Framework		✓	✓	✓	✓	✓
Application and Selection of Observers		✓	✓			
Political Background or Context			✓	✓	✓	✓
Election Administration			✓	✓	✓	✓
Voter and/or Candidate Registration			✓	✓	✓	✓
Campaign Environment			✓	✓	✓	✓

Campaign Finance			✓: Small section on campaign finance.	Very little information.	✓	✓
Media Environment			✓	Very little information.	✓	✓
Complaints and Appeals		Very little information but featured one recommendation to improve complaint process.	✓	Featured three recommendations on how to improve complaints process.	✓	✓
Domestic and International Observers		✓	✓	✓	✓	
Election Day(s) Analysis		✓	✓	✓	✓	✓
Post-Election Developments (tabulation, announcements, appeals, etc.)			✓	✓	✓	✓
Conclusions		✓	✓	✓	✓	✓
Recommendations		✓: Recommendations in the areas of electoral law, election administration, domestic observation, complaints and appeals, and recommendations for future Canadian EOMs.	✓: Recommendations in the areas of electoral law, election administration, complaints and appeals, domestic and international observation.	✓: Recommendations in the areas of election administration, registration, complaints and appeals, legal framework, women and youth, international election observation.	✓: Recommendations in the areas of electoral law, election administration, campaign finance, complaints and appeals, election days.	✓: Recommendations in areas of legal electoral framework, election administration, and campaign finance.

Universal Vote, Gender, Ethnicity, and/or Youth.			✓: Detailed gender analysis but none on youth or ethnic minorities.	✓: Detailed gender and youth analysis, but none on ethnic minorities.	✓: Some gender analysis, but little on youth and none on ethnic minorities. Made specific reference to the disenfranchisement of voters in Donetsk, Luhansk, and Crimea. Makes reference to the “status of Russian language (18)” being a main issue of focus, but this is the sole mention of it.	✓: Detailed gender analysis but nothing on youth or ethnic minorities. Made specific reference to the disenfranchisement of voters in Donetsk, Luhansk, and Crimea.
Interaction with election stakeholders (civil society, political parties, multinational EOMs, Central Electoral Commission, etc.)		✓	✓	✓	✓	✓
Training Schedule		✓: Did not detailed schedule but did offer basic timeline and training themes.	✓		✓	✓
Observers and Mission Management		✓	✓	✓	✓	✓
Election Observation Data		✓: Featured nine charts and graphs of final assessments throughout document.	✓: Featured detailed annex of multiple areas of assessment in annex.	✓: Featured detailed annex of multiple areas of assessment in annex.	✓: Featured detailed annex of multiple areas of assessment in annex.	✓: Featured detailed annex of multiple areas of assessment in annex.

OSCE-ODIHR FINAL MISSION REPORT AREAS OF STUDY						
	2004 Presidential Repeat 2 nd Round	2010 Presidential 2 nd Round	2012 Parliamentary	2013 Repeat Parliamentary ⁵	2014 Early Presidential	2014 Early Parliamentary Election
Forward						
Executive Summary	✓	✓	✓	✓	✓	✓
Election Mission Standards	✓: Cites OSCE commitments, The 1990 <i>Copenhagen Document</i> , and “other international standards.”	✓: Cites OSCE commitments, the 1990 Copenhagen Document, and “other international standards.”	✓: Cites OSCE commitments, the 1990 Copenhagen Document, and “other international standards.”	✓: Assessments and recommendation were made on the basis of OSCE commitments, other international standards, and Ukrainian legislation.	✓: Assessed compliance of the election process with OSCE commitments and other obligations to democratic elections, and domestic legislation.	✓: Cites OSCE commitments, other international obligations and standards for democratic elections, and national legislation.
Election System and Legal Framework	✓	✓	✓	✓	✓	✓
Political Background	✓	✓	✓	✓	✓	✓
Election Administration	✓	✓	✓	✓	✓	✓
Voter and/or Candidate Registration	✓	✓	✓	✓	✓	✓
Campaign Environment	✓	✓	✓	✓	✓	✓
Campaign Finance	✓	✓	✓		✓	✓
Media Environment	✓	✓	✓	✓	✓	✓

⁵ The OSCE did not send an EOM to the 2013 Repeat Parliamentary Elections as they did not deploy STOs or LTOs. Instead this is the final report of an OSCE-ODIHR Election Expert Report

Complaints and Appeals	✓	✓	✓	✓	✓	✓
Domestic and International Observers	✓	✓	✓	✓	✓	✓
Election Day(s)	✓	✓	✓	✓	✓	✓
Post-Election Developments (tabulation, announcement, appeals, etc.)	✓	✓	✓	✓	✓	✓
Conclusions						
Recommendations	✓:	✓:	✓: Contained list of “Priority Recommendations,” as well as “Other Recommendations” in the areas of legal framework, election administration, voter registration, election campaign and campaign finance, disputes, media, participation of women and national minorities, and domestic observation (30 total recommendations).	✓: Contained list of “priority recommendations” as well as “Other Recommendations” in the areas of legal framework, election administration, voter registration, and the media (11 recommendations total).	✓: Contained list of “priority recommendations” as well as “Other Recommendations” in the areas of election administration, voter registration, candidate registration, election campaign, campaign finance, media, participation of national minorities, domestic and international observers, disputes, and election day (29 total recommendations).	✓: Contained list of “Priority Recommendations” as well as “Other Recommendations” in the areas of election administration, voter registration, candidate registration, election campaign, media, participation of national minorities, disputes, and post-election developments (21 recommendations total).

Universal Vote, Gender, Ethnicity, and/or Youth.	✓: Analysis of female political participation, national minorities (specifically Russian speakers).	✓: Analysis of female political participation with special mention of Ms. Tymoshenko and sexist comments made against her. Electoral information only in Ukrainian while 30% of Ukrainians cite Russian as their first language. Mentioned possible disenfranchisement of Roma people.	✓: Some cases of anti-Semitic and xenophobic statements; cases of manipulation and disenfranchisement of Roma voters; again mentioned minority languages in regards to difficulty understanding the electoral process.		✓: The Roma community continues disenfranchised because of legal and procedural difficulties in regards to documentation; some instances of violence and/or hate speech against Jewish and Roma communities; political instability affected Crimean Tartars and Russian-speaking Ukrainians in Crimea and the eastern <i>Oblasts</i> .	✓: The report claimed that the political participation of approximately half of the Tartar and Russian-speaking population of Ukraine had been diminished due to the Annexation of Crimea and conflict in the <i>oblasts</i> of Donetsk and Luhansk. The Roma population continued to be negatively impacted by lack of identity documents. Minority language speakers may have been disadvantaged by all election material being only in Ukrainian.
Interaction with election stakeholders (civil society, political parties, other EOMs, Central Electoral Commission,	Indicated that the EOM had met with stakeholders, but no list or schedule provided.	Indicated that the EOM had met with stakeholders, but no list or schedule provided.	Indicated that the EOM had met with stakeholders, but no list or schedule provided.	Indicated that the EOM had met with stakeholders, but no list or schedule provided.	Indicated that the EOM had met with stakeholders, but no list or schedule provided.	Indicated that the EOM had met with stakeholders, but no list or schedule provided.
Training Schedule				N/A		
Observers and Mission Management	✓: Mission management and size/scope of mission discussed, but no list of STOs/LTOs.	✓: Mission management and size/scope of mission discussed, but no list of STOs/LTOs.	✓: Mission management and size/scope of mission discussed, but no list of STOs/LTOs.	N/A	✓: Mission management and size/scope of mission discussed, but no list of STOs/LTOs.	✓: contained full list of STOs and LTOs.

Election Observation Data	✓: Data spliced throughout document, but does not provide graphs/charts.	✓: Data spliced throughout document, but does not provide graphs/charts.	✓: Data spliced throughout document, but does not provide graphs/charts.	Minimal data offered as the mission was not technically an EOM.	✓: Data spliced throughout document, but does not provide graphs/charts.	✓: Data spliced throughout document, but does not provide graphs/charts.
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List of Abbreviations

CANADEM – Not technically an abbreviation, but originates from “Canada” and “democracy”

CANEOM – Canadian Election Observation Mission

CIDA – Canadian International Development Agency

CUPP – Canadian-Ukrainian Partners Program

DFAIT – Department of Foreign Affairs and International Trade

DFATD – Department of Foreign Affairs, Trade, and Development

DPIEO – *Declaration of Principles for International Election Observation*

EET – Election Expert Team

EOM – Electoral Observation Mission

EU – European Union

IGO – International Governmental Organizations

INGO – International Non-Governmental Organizations

LTO – Long-Term Observer

MEOP – Multilateral Elections Observation Program

NATO – North American Treaty Organization

NDI – National Democratic Institute

NGO – Non-Governmental Organization

OAS – Organization of American States

OECD – Organization for Economic Cooperation and Development

OSCE – Organization for Security and Cooperation in Europe

OSCE-ODIHR – OSCE’s Office for Democratic Institutions and Human Rights

OSCE-PA – OSCE’s Parliamentary Assembly

STO – Short-Term Observer

UCC – Ukrainian Canadian Congress

UN – United Nations

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